

URBAN
MUNICIPAL

CA4 ON HBL A05
A31
2000

AGENDAS/MINUTES
CITY OF HAMILTON CITY COUNCIL
MAY 30, 2000 ...



C44 ON HBL A05
A31
2000



**URBAN
MUNICIPAL**

AGENDA

CITY OF HAMILTON CITY COUNCIL

Tuesday, May 30, 2000
7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Hamilton Public Library

3 Agendas

3 BILLS

Kevin C. Christenson,
Acting Municipal Clerk

CALL TO ORDER

1. NATIONAL ANTHEM.

2. OPENING PRAYER: Reverend Ralph Mills, Bethel Gospel Tabernacle

3. PRESENTATIONS

3.1 Reverend Ralph Mills - presentation to the Mayor

3.2 Elizabeth Grandbois & Bruce Wilson – ALS Awareness Month

3.3 Blessed Sacrament Atom Boys # 3 – Provincial "A" Champions

3.4 Blessed Sacrament Atom Girls Provincial Champions

3.5 Blessed Sacrament Yellow Jackets Atom Boys Division 1

• Meet as Nominating Committee to elect a Chairman of the Committee of the Whole

4. ADOPTION OF THE MINUTES OF THE MEETINGS HELD:

4.1 May 9, 2000 (regular); and

4.2 May 16, 2000 (special)

5. CORRESPONDENCE.

6. REPORTS OF THE STANDING COMMITTEES:

6.1 Transport and Environment Comm. – Report 10-00 (copy to follow)

6.2 Planning and Development Committee - Report 11-00

6.3 Nominating Committee – Report 02-00

**City Council
Agenda**

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- 7. NOTICE OF MOTION FOR NEXT MEETING.**
- 8. MOTION TO APPOINT ALDERMAN F. D'AMICO AS ACTING MAYOR FOR THE MONTH OF JUNE, 2000**
- 9. QUESTION PERIOD.**
- 10. ADJOURNMENT**

MINUTES



MINUTES

CITY OF HAMILTON CITY COUNCIL

Tuesday, May 9, 2000
7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Reverend Barrie Bain St. Giles United Church, led Council in prayer.

PRESENTATIONS

Mayor R. M. Morrow presented a Certificate of Recognition to Oscar Kichi, Ramada Hotel.

Mayor R. M. Morrow presented a Certificate of Recognition to John Elder – Musical Festival - 1999 Executive of the Year Award. Mayor Morrow also acknowledged Brad Calder for his excellent work performance.

The Mundialization Committee presented Certificate of Recognition and Appreciation to Mayor R. M. Morrow.

The Ontario Museums Association presented posters to the Mayor in recognition of May 2000 being May Museum Month.

Mayor R. M. Morrow presented Awards to the Blessed Sacrament Minor Bantam Boys Basketball Team who won the 2000 Provincial "A" Championship

ADOPTION OF MINUTES

The Minutes of the meetings held April 25, 2000 (regular) and May 2, 2000 (special) were adopted as circulated.

CORRESPONDENCE

1. Application dated April 26, 2000 from Sterling Honda, 925 Main Street West, Hamilton, Ontario for a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations for lands at 1489-1545 Upper James Street, Hamilton, Ontario.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, be now considered in Committee of the Whole with Alderman Collins in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 08-00

Section 2 Re: Certificate of Approval – 239 Lottridge Street

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Copps. -1.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 09-00

Section 2 Re: Temporary Road Closures: Hess Street South, between King Street and Main Street

It was moved by Alderman Horwath and seconded by Alderman Corsini that Section 2 of Report 09-00 of the Transport and Environment Committee be amended to delete the words: "be approved, subject to the following conditions" and insert in lieu thereof the words "be denied and that applications for Festivals in Hess Village be based on the Guidelines as follows:" **CARRIED.**

PARKS AND RECREATION COMMITTEE – REPORT 07-00

Section 3 Re: Hiring to fill positions

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Haining. -1.

CARRIED.

Section 4 Re: Hiring to fill positions

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Haining. -1.

CARRIED.

Section 7 Re: Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

Section 8 Re: Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

Section 9 Re: Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

Section 10 Re: Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

Re: Rule No. 9 Re: Name approval of Parks in the Corktown Neighbourhood

It was moved by Alderman Horwath and seconded by Alderman Corsini that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the approval of names for two Corktown Neighbourhood Parks. **CARRIED.**

Section 13 Re: Name approval for Corktown Neighbourhood Parks

It was moved by Alderman Horwath and seconded by Alderman Corsini that the following be added as Section 13 of Report 07-00 of the Parks and Recreation Committee:

13. Name Approval for Two Corktown Neighbourhood Parks (PWT00103)

- (a) That City Council approve the name "Corktown Park" for the newly constructed Community Park fronting on Forest Avenue and Ferguson Avenue; and,
- (b) That the existing "Corktown Park" fronting on Walnut Street and Augusta Street be renamed "Shamrock Park". **CARRIED.**

Re: Rule No. 9 Re: Alcohol in Parks

It was moved by Alderman Morelli and seconded by Alderman Kiss that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the sale of alcoholic beverages by the Hamilton Hornets Rugby Club at Mohawk Sports Park. **CARRIED.**

Section 14 Re: Alcohol in Parks – Mohawk Sports Park

It was moved by Alderman Morelli and seconded by Alderman Kiss that the following be added as Section 14 of Report 07-00 of the Parks and Recreation Committee:

14. Sale of Alcoholic Beverages - Mohawk Sports Park - Hamilton Hornets Rugby Club (CSC00083)

- (a) That approval be given to the actions taken by the General Manager of Community Services in authorizing the Hamilton Hornets Rugby Football Club to sell alcoholic beverages at Mohawk Sports Park on

May 6, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence, the Municipal Alcohol Risk Management Policy and all applicable insurance; and,

- (b) That approval be granted to the Hamilton Hornets Rugby Club to sell alcoholic beverages in Mohawk Sports Park on May 13, June 3, 10, 14, 18, 25, July 16, August 19, 26, September 9, 16, 23, 30 and October 14 and 15, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence, the Municipal Alcohol Risk Management Policy and all applicable insurance.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Anderson, Kelly, D'Amico, O'Sullivan. -14.

NAYS: Aldermen Copps, Charters, Jackson. -3.

CARRIED.

Rule No. 9 Re: Waiving of Green Fees for the International Children's Games Millennium Festival Golf Tournament

It was moved by Alderman Morelli and seconded by Alderman Kiss that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the waiving of green fees for the International Children's Games Millennium Festival Golf Tournament.

CARRIED.

Section 15 Re: Waiving of Fees – International Children's Games Millennium Festival Golf Tournament

It was moved by Alderman Morelli and seconded by Alderman Kiss that the following be added as Section 15 of Report 07-00 of the Parks and Recreation Committee:

15. Waiving of Fees - International Children's Games Millennium Festival Golf Tournament (CSC00084)

That the General Manager of Community Services be authorized to waive green fees for participants in the International Children's Games Millennium Festival Golf Tournament and fundraiser to be held at Chedoke Golf Course on June 14, 2000.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – REPORT 09-00

PLANNING AND DEVELOPMENT COMMITTEE – REPORT 10-00

Section 1 Re: Demolitions – 209, 211, 213 King Street East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Copps. -1.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - REPORT 11-00

Section 6 Re: Cafeteria Food Services – City Hall

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Haining. -1.

CARRIED.

CITY OF HAMILTON LICENSING COMMITTEE - REPORT 04-00

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

Note: The meeting adjourned at 9:15 p.m.
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Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**Kevin C. Christenson,
Acting Municipal Clerk
May 9, 2000
KCC/dg**



MINUTES

CITY OF HAMILTON SPECIAL MEETING OF CITY COUNCIL

Tuesday, May 16, 2000

8:47 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Regrets: Alderman T. Jackson - personal business

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Kiss and seconded by Alderman Copps that Council move into Committee of the Whole to consider the resolutions respecting the demolition of 15 Division Street and 74 Harrison Street; the Fireworks Display at Churchill Park; the Presbyterian Annual General Meeting funding; the Grants Committee Report 03-00; and Bill C-022: Confirming By-law, be now considered in Committee of the Whole with Mayor R. Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

RECONSIDERATION OF A PREVIOUS RESOLUTION

Reconsideration of Section 13 and 14 from Report 09-00 of the Planning and Development Committee adopted May 9, 2000

It was moved by Alderman Wilson and seconded by Alderman Copps that Sections 13 and 14 of Report 09-00 of the Planning and Development Committee adopted by City Council at its meeting of May 9, 2000 regarding Demolition of 15 Division Street and Demolition of 74 Harrison Street respectively, be hereby **reconsidered**:

13. Demolition, 15 Division Street (PDC00060) (Item 5.2.1)

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 15 Division Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 15 Division Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

14. Demolition, 74 Harrison Street (PDC00061) (Item 5.2.2)

- (a) That subject to the requirements below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 74 Harrison Street in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for the building located at 74 Harrison Street where the applicant has applied for and received the required site plan control approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

RESOLUTIONS

15 Division Street, 74 Harrison Street, Churchill Park Fireworks Display
Funding For Presbyterian Church of Canada's Annual Meeting
Grants Committee Report 03-00; Confirming By-law

Motion Re: Demolition Permits – 15 Division Street and 74 Harrison Street

It was moved by Alderman Wilson and seconded by Alderman Copps:

- (a) That Section 13 of Report 09-00 of the Planning and Development Committee adopted by City Council at its meeting of May 9, 2000 regarding Demolition of 15 Division Street, be hereby rescinded; and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for 15 Division Street in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended. **CARRIED.**

It was moved by Alderman Wilson, seconded by Alderman Copps:

- (a) That Section 14 of Report 09-00 of the Planning and Development Committee adopted by City Council at its meeting of May 9, 2000 regarding Demolition of 74 Harrison Street, be hereby rescinded; and,
- (b) That the Building Commissioner be authorized to issue a demolition permit for 74 Harrison Street in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended. **CARRIED.**

Rule No. 9 Re: Fireworks display at Churchill Park on May 21, 2000

It was moved by Alderman Morelli and seconded by Alderman Kiss that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the holding of a Fireworks display at Churchill Park on May 21, 2000. **CARRIED.**

Fireworks Display at Churchill Park on May 21, 2000

It was moved by Alderman Morelli and seconded by Alderman Kiss:

That approval, as required by Sections 17 (01) and 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126 as amended, and under the Standard Terms and Conditions of the Special Events Guidelines, be

given to the Churchill Park Neighbourhood Association, to hold a Fireworks Display at Churchill Park on Sunday, May 21, 2000 at dusk. **CARRIED.**

Rule No. 9 Re: Funding for the Presbyterian Church of Canada's Annual General Meeting being held in Hamilton and hosted by Central Presbyterian Church.

It was moved by Alderman Wilson and seconded by Alderman Kelly that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a motion respecting funding for the Presbyterian Church of Canada's Annual General Meeting being held in Hamilton in June 2000 and hosted by Central Presbyterian Church. **CARRIED.**

Re: Funding for the Presbyterian Church of Canada's Annual General Meeting being held in Hamilton and hosted by Central Presbyterian Church.

It was moved by Alderman Wilson and seconded by Alderman Kelly:

- (a) That an amount of \$5,000 be approved for Central Presbyterian Church to assist them in hosting the Presbyterian Church of Canada Annual General Meeting being held in Hamilton in June 2000; and,
- (b) That notwithstanding the fact that the subject event is not a Conference with municipal subject content, that one time funding of \$5,000 be allocated from the Hosting of Conferences with Municipal Subject Content Reserve (COHAM 104030 - 58525 RSGENG). **CARRIED.**

Rule No. 9 Re: Grants Committee Report 03-00

It was moved by Alderman Caplan and seconded by Alderman Wilson that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of Grants Committee Report 03-00. **CARRIED.**

GRANTS COMMITTEE – REPORT 03-00

Bill C-022: A By-law to Confirming the Proceedings of the Council.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bill be adopted, signed, sealed and enrolled as a By-law:

C-022: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Resolutions respecting the demolition of 15 Division Street and 74 Harrison Street; the Fireworks Display at Churchill Park; the Presbyterian Annual General Meeting funding; the Grants Committee Report 03-00; and Bill C-022: Confirming By-law, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: -0. **CARRIED.**

Hamilton City Council then adjourned at 8:50 p.m.

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**K. C. Christenson, Acting Municipal Clerk
May 16, 2000
KCC/dg**



REPORT

CITY OF HAMILTON Grants Committee

Tuesday, May 16, 2000
10:00 a.m.

Room 233, Hamilton City Hall

Present:	Alderman M. Caplan (Chairman) Aldermen D. Wilson, B. Charters
Absent:	Mayor R. M. Morrow – City Business Alderman T. Jackson – Personal Business
Also Present:	J. Underwood, N. Catalano, C. Bian, L. Mooradian, C. Biggs

Alderman M. Caplan, Chairman, called the meeting to order.

THE GRANTS COMMITTEE PRESENTS REPORT 03-00 AND RESPECTFULLY RECOMMENDS:

1. 1999 Advanced Funding Program (Item 3)

- (a) That the Ontario Lottery Corporation be requested to review the status of the \$10,000 advanced funding request from the Canadian Football Hall of Fame, as approved by City Council on February 23, 1999;
- (b) That in the event the Ontario Lottery Corporation denies the \$10,000 request for the Canadian Football Hall of Fame, that the funds be re-allocated as follows:

(i)	Settlement and Integration Services Organization	\$5,000
(ii)	Junior Achievement of Hamilton-Wentworth	\$5,000

- (c) That the Ontario Lottery Corporation be advised of Council's decision, and be requested to provide an update as to the outcome of their decision-making process.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE NOTED AND/OR RECEIVED:

(a) **Declarations of Interest (Item 1)**

None declared.

(b) **Adoption of Minutes – April 6, 2000 (Item 2)**

That the Minutes of the meeting of the Grants Committee held on April 6, 2000, be adopted.

(c) **Grant Request – National Academy Orchestra (Boris Brott) (New Business)**

The Committee received a request for funding for the National Academy Orchestra (Boris Brott), brought forward by Alderman B. Charters on behalf of Regional Chairman T. Cooke.

Note: The meeting of the Grants Committee adjourned at 10:30 a.m.

**Alderman M. Caplan, Chairman
Grants Committee**

**Carolyn Biggs, Legislative Assistant
May 16, 2000**

CORRESPONDENCE

Correspondence:

1. Letter dated May 20, 2000 from Diane Dent, PhD., Chairman, Local Architectural Conservation Advisory Committee Re: 74 Hughson Street South, Request for Proposal/Declaration and Sale of Surplus Property Reasons for Designation.

Recommendation: Be Referred to the Planning and Development Committee.

2. Application dated May 10, 2000 from Ashok and Virala Kumar, 81 Christie Street, Hamilton for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 81 Christie Street, Hamilton, Ontario)

Recommendation: Be Received.

3. Application dated May 12, 2000 from Valvasori Properties (in trust), 15 Old Oakes Place, Ancaster for a change in zoning from "DE"- H" (Low Density Multiple Dwellings) District to "DE" (Low Density Multiple Dwellings) District Modified for property at 30, 32, 36 and 40 Margaret Street; and, for a change in zoning from "D" (Urban Protected Residential – One and Two Family, Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings etc.) District modified.

Recommendation: Be Received.

4. Application dated May 12, 2000 from John M. and Barbara E. Crockett for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property at 1472 Upper Gage Avenue, Hamilton, Ontario.

Recommendation: Be Received.

5. Application dated May 15, 2000 from Chedoke Health Corp. c/o Lazier Hickey Langs, O'Neil for a further modification to the "AA" (Agricultural) District for property at the southeast corner of Sanatorium Road and Scenic Drive, Hamilton, Ontario.

Recommendation: Be Received.

6. Application dated May 24, 2000 from George Russell, 756 King Street East, unit 1, Hamilton, Ontario for an Official Plan Amendment and a change in zoning from "K" (Heavy Industry) District to "RT-20" (Townhouse – Maisonette) District for lands located on the south side of Stuart Street between Tiffany Street and Bay Street North, Hamilton, Ontario.

Recommendation: Be Received.



**CITY OF HAMILTON AND
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH**

**Corporate Services
Office of the Municipal Clerk**
Telephone (905) 546-4304
Facsimile (905) 546-2095

**DIANE DENT, CHAIRMAN
LACAC**

1.

2000 May 20

Mayor R. Morrow and
Members of City Council
71 Main Street West
Hamilton, ON
L8P 4Y5

Dear Mr. Mayor and City Council:

**Re: 74 Hughson Street South, Hamilton
Request for Proposal/Declaration and Sale of Surplus Property
Reasons for Designation**

The Local Architectural Conservation Advisory Committee (LACAC) forwarded the following recommendation to the April 11, 2000 Finance and Administration Committee:

"That the Finance and Administration Committee be advised that the Local Architectural Conservation Advisory Committee considers the building at 74 Hughson Street South worthy of designation and has directed staff to prepare the Reasons for Designation as soon as possible for review by LACAC."

City Council at its meeting held on April 11, 2000 approved 2 recommendations regarding the above-noted property as forwarded by the Finance and Administration and Planning and Development Committees.

Council has chosen to approve that No Heritage Designation be placed on the former Health Department building, has declared the property surplus and approved a Request for Proposal which is tailored to the demolition of the existing structure and redevelopment of the site.

It is LACAC's understanding that the Reasons for Designation for the Health Department building should have been reviewed by Council prior to making a decision on the designation of this property. The draft document has been available for some time, and we strongly believe that Council should explore the document prior to making any decision related to this matter. We therefore, forward a copy of the draft Reasons for Designation for your review and future reference.

Please do not hesitate to contact me if you have any questions.

Yours truly,

A handwritten signature in cursive script, appearing to read "D. Dent".

Diane Dent, PhD.
Chairman
Local Architectural Conservation Advisory Committee

Health Department Building

1 Hunter Street East/ 74 Hughson Street South

REASONS FOR DESIGNATION

Context

The former Health Department Building, erected in 1953, is a long, low streamlined structure that is well-integrated into its corner site at the intersection of James and Hunter. Standing opposite and just west of the new Hamilton GO Centre (originally the TH&B Station), its principal façade on Hunter Street faces the elevated railway tracks and covered pedestrian walkway leading to the station. Viewed from the south side of Hunter Street, the brick side wall of the taller YMCA building, visible above the roofline of the Health building, diminishes somewhat the visual impact of its bold, horizontal lines.

History

Owned and operated by the City of Hamilton, the Health Centre, as it was originally known, provided a range of facilities including a tuberculosis, dental, pre-natal and post-natal clinic and administrative offices. It was the first building to serve exclusively as a municipal health centre (previously located in the old Hamilton Art Gallery building on Main Street West). Last occupied by the Hamilton-Wentworth Region Social Services Department, it is now vacant and has been declared surplus.

Architecture

Designed by Stanley Roscoe, the first appointed City Architect (1952), the former Health Centre stands today as one of Hamilton's best surviving and most intact examples of early Modernist architecture. This building was recognized at the time of its opening as being innovative in its style, construction, open plan concept and numerous practical features, and was praised both for its "modernistic beauty" and functional design.

Roscoe's progressive design philosophy was clearly reflected in all of his early municipal buildings. Other notable examples, all built between 1952 and 1960) include the new City Hall, Macassa Lodge (original buildings in progress of being demolished), Westdale Public Library (severely compromised by addition of new façade), and several fire stations. These buildings, along with the Health Centre, were among the first in Hamilton to fully embrace the International style, which did not make a noticeable mark on the city's urban landscape until a new generation of post-World War II graduates of architecture entered practice. Of the remaining examples of Roscoe's early Modernist buildings, his Health Centre and City Hall are or soon will be the only two whose exteriors have been preserved entirely or largely intact.

Roscoe's early low-rise buildings, both built and proposed, share in common a number of features derived from Modernist principles: clean lines and precise edges, long low profiles, continuous bands of horizontal fenestration, juxtaposition of new and traditional materials (brick, stone and concrete) for visual effect, and the absence of any historically-derived ornament.

The three-storey, steel-framed structure of the Health Department Building is clad in brick veneer (backed by concrete block) and precast concrete slabs with a large proportion of window glazing. The second and third storeys of the Hunter Street façade are dominated by long horizontal bands of concrete cladding and window glazing, framed by projecting precast slabs. The wall surface below the high lower floor windows of the boiler room is a ribbed precast concrete, which echoes the ribbed glass of the east porch window. Interestingly, the wall sections above the second storey windows are not part of the building envelope, as they appear from ground level, but form parapet walls above the roofline. There are two main entrances: one on the lower level facing Hunter Street (originally the entrance to the T.B. clinic) and a visually more dominant main floor entrance facing Hughson Street (originally for the baby and dental clinics on that floor and administrative offices above). The ramp leading up to the one-storey projecting precast concrete entrance porch was intended to provide easy access for baby buggies, which could be parked outside under cover in warmer weather. This parking area is enclosed by a full precast concrete wall with a whimsical cut-out opening that serves both as a decorative embellishment and source of natural light. The glazed entrance doorway is flanked by a horizontal ribbed glass window. The large multi-paned window above the entrance porch, which illuminates the spacious stairwell, was originally crowned by a projecting louvred wood canopy (a strictly decorative element removed since the early 1970s). The James Street (east) façade features two long horizontal bands of fenestration with exterior adjustable aluminum louvres added for climate control.

Apart from the abstract cut-out motif and louvred canopy on the Hughson Street façade the exterior is notable for the absence of any applied ornamentation, a characteristic of International style buildings. The use of pillars known as *pilotis* and plate glass at ground floor level to create a free-floating effect is also a recurring design element of Modernist architecture adapted by Roscoe for the Health Centre. Anchored by the projecting concrete entrance pavilion facing Hughson Street, the building appears to float above the gradually sloping ground on the Hunter Street side, an illusion created by the floor to ceiling glazing of the central section of the lower façade and the three narrow steel pilotis supporting the cantilevered upper floors above the recessed wall at the west end. The integrity of Roscoe's original design is still intact except for the removal of the decorative louvred wood canopy over the east window.

Designated Features

Important to the preservation of the former Health Department Building are the original architectural features of the east, south and west facades, including the brick masonry veneer, precast concrete panels, continuous bands of windows on the south and east facades, the projecting concrete entrance porch on the east façade and the large window above.

Interior features worthy of designation: spacious vestibule and stairwell behind the east entrance and ribbed transite screen along the upper corridor (second site visit needed if specific interior features are to be included in the Reasons for Designation).

Characteristically, Notable buildings designed by the pre-war generation of architects, such as the Hamilton Harbour Commissioners' Administration Building and the Hamilton Art Gallery (built the same year as the Health Centre) were much more traditional in form and detailing.

**TRANSPORT & ENVIRONMENT
COMMITTEE**

(Report to follow)

**PLANNING & DEVELOPMENT
COMMITTEE**



REPORT

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday May 24, 2000
9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Alderman M. Kiss, Alderman A. Horwath, Alderman D. Wilson, Alderman T. Jackson, Alderman D. O'Sullivan, L. Coveyduck, P. Mallard, B. Janssen, G. Paparella, J. Lakatos, J. Spolnik, E. Switinky, N. Smith, H. Vastis, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE PLANNING AND DEVELOPMENT COMMITTEE PRESENTS REPORT 11-00 AND RESPECTFULLY RECOMMENDS:

1. Request for a Change in Zoning for Nos. 801 & 803 King Street West and 80, 86 and 90 Carling Street (ZAC-00-07)(PDC00091) (Item 2.2)

That approval be given to Zoning Application ZAC-00-07, Citadel Properties Limited, prospective owner, for a change in zoning from "H" (Community Shopping and Commercial, etc.) District, modified, to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified, to permit a nine storey, 40 unit, condominium apartment building, for lands located at Nos. 801 & 803 King Street West and 80, 86 & 90 Carling Street, as shown on the attached Map marked as APPENDIX "A", on the following basis:

- (a) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding

provision will prohibit the development of the lands until such time as:

- (i) The owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
- (ii) The owner submits a traffic noise assessment study, prepared by a qualified consultant, investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in the By-law, by enactment of an amending By-law once the conditions are fulfilled.

- (b) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" – 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District.
- (c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (i) Notwithstanding Section 11.(2)(ii), no building or structure shall exceed a height of 9 storeys or 28.5 m.
 - (ii) Notwithstanding Section 11.(3)(i)(b) a front yard of a depth of at least 6.0 m shall be provided and maintained from the Carling Street front lot line.
 - (iii) Notwithstanding Section 11.(3)(ii)(b) a westerly side yard of a width of at least 3.9 m shall be provided and maintained and an easterly side yard width of at least 2.1 m shall be provided and maintained.
 - (iv) Notwithstanding Section 11.(5) a multiple dwelling shall have a maximum gross floor area of 5,443.94 m² and a maximum of 40 class A dwelling units.
 - (v) Section 18.(3)(ii) shall not apply to the subject lands.
 - (vi) Notwithstanding Section 18.(3)(vi)(cc), balconies may encroach a

maximum of 1.2 m into a required front yard.

- (vii) Notwithstanding Section 18A.(1)(c), one loading space having minimum dimensions of 9.0m long x 3.7m wide x 4.3m high shall be provided and maintained for a multiple dwelling.
- (viii) Notwithstanding Section 18A.(14g), a parking area may be provided within a required front yard provided it is setback a minimum distance of 3.0 m from the King Street West front lot line and a minimum distance of 6.0 m from the Carling Street front lot line.
- (ix) A minimum 1.5 m wide planting strip shall be provided and maintained along the entire westerly and easterly side lot lines.
- (x) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly side lot line, provided that a visual barrier shall be setback a minimum of 3.0 m and a maximum of 5.0 m from the King Street West and Carling Street road allowance limits.
- (xi) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire easterly side lot line, except that:
 - 1. A visual barrier shall be setback a minimum of 3.0 m and a maximum of 5.0 m from the King Street West and Carling Street road allowance limits.
 - 2. No visual barrier shall be required for that portion of the easterly side lot line where an access driveway to an underground parking area is adjacent to a multiple dwelling to the east.
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1446, and that the subject lands on Zoning District Map W23 be notated S-1446.
- (e) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W23 for presentation to City Council.
- (f) That the proposed change in zoning is in conformity with the Official Plan

for the Hamilton Planning Area.

2. Request for a Change in Zoning for 12-14 Brantdale Avenue (ZAC-00-09) (PDC00086) (item 2.3)

That approval be given to Zoning Application ZAC-00-09, Locane Holding Inc. owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District, modified to permit the development of a semi-detached dwelling, for property located at 12-14 Brantdale Avenue, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District;
- (b) That the "D" (Urban Protected Residential – One & Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, be amended only to the extent of the following special requirement;
 - (i) notwithstanding Section 10(4)(ii), a minimum lot width of 15.2 m shall be provided and maintained;
- (c) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S-1447, and that the subject lands on Zoning District Map W-7 be notated S-1447;
- (d) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-7 for presentation to Council; and,
- (e) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093) (Item 2.4)

That approval be given to amended Zoning Application ZAC-00-13, Sterling Honda (c/o J. LaCluse), owner, for a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District for lands located east of Upper James Street, south of Regina Drive and known municipally as 1489 – 1523 Upper

James Street, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as set out under Section 13 of Zoning By-law No. 6593, as amended by By-law Nos. 88-135 and 90-145, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - (i) That notwithstanding subsection 13(1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - (1) Automobile sales and leasing establishments;
 - (2) An automobile body/fender repair shop and paint shop provided that it is accessory to and located within the same building as an Automobile sales and leasing establishment;
 - (3) A private manual/mechanical carwash provided that it is accessory to and located within the same building as an automobile sales and leasing establishment;
 - (4) A business identification sign that is a ground sign, subject to the following requirements:
 - (a) Not more than one sign shall be permitted for each Automobile sales and leasing establishment;
 - (b) A height of at least 3.0 m shall be provided from the ground to the bottom of the sign;
 - (c) The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary;
 - (d) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;
 - (5) A business identification sign permanently affixed to the decorative wall structure subject to the following requirements:

- (a) The sign shall not be more than 50% of the height of the structure.
 - (b) The total aggregate area of the sign shall not exceed 25% of the aggregate area of the structure parallel to the daylight triangle.
 - (c) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- (ii) That notwithstanding subsection 13(3) of Zoning By-law No. 6593, a decorative wall structure shall be provided and maintained at the north-west corner of the property on the following basis:
 - (1) Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0 m from each end thereof along the northerly and westerly lot lines;
 - (2) Said structure shall be located within the landscaped planting strip;
 - (3) The height of said structure parallel to the daylight triangle shall be not less than 1.2 m and not more than 2.0 m;
 - (4) The height of said structure appurtenant to the northerly and westerly lot lines shall be not less than 1.0 m, except for the last 5.0 m which shall be not less than 0.6 m; and,
- (iii) That notwithstanding section 13.(3)(i) of Zoning By-law No. 6593, a minimum front yard setback of 24.0 m shall be provided and maintained;
- (iv) That the total aggregate area for signage referred to in Subsections (i)(4) and (i)(5) shall not be more than 0.1 m² per 0.3 m of street frontage on Upper James Street;
- (v) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
 - (a) For any area used for vehicular access; and,
 - (b) That a minimum 6.0 m wide landscaped strip shall be

provided and maintained adjacent to the daylight corner.

- (b) That the Corporate Counsel be directed and authorized to prepare a By-law for the subject lands to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1069b, and that the subject lands on Zoning District Maps E-9D be notated as S – 1069b;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the approved site plan for the subject lands be required to incorporate the applicable provisions of the “Urban Design Guidelines for Upper James Street Corridor”; and,
- (f) That the implementing By-law not be presented to Council until the applicant has withdrawn the appeal of the Committee of Adjustment decision on Committee of Adjustment Application A-00:36 and the Ontario Municipal Board has advised that the appeal has been withdrawn.

4. Request for Removal of the Holding Zone for Lands Located at 649 Upper James Street (ZAR-00-12)(PDC00087) (Item 2.1)

- (a) That approval be given to Zoning Application ZAR-00-12, 1136193 Ontario Inc., (Hussein Ghaddar), owner, requesting removal of the ‘H’ – Holding provision under Section 36(1) of the Planning Act, R.S.O., to allow for the development of the subject lands for a convenience food store, for property located at 649 Upper James Street, as shown on the attached map marked as APPENDIX “D”; and,
- (b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 98-263, and Zoning District Map E-7, for presentation to City Council.

5. Demolition of 277 Barton Street West – (PDC00084) (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 277 Barton Street West in accordance with By-law 74-290 pursuant to Section 33

of The Planning Act, as amended.

6. Demolition of 279 Barton Street West – (PDC00085) (Item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 279 Barton Street West in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Request for Validation Certificate for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 66 and 68, inclusive, Reg. Plan 62M-872, "Effort Gardens, Phase 1" (PDC00096) (Item 4.3)

- (a) That approval be given to the request for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68; inclusive, located in "Effort Gardens, Phase 1", Registered Plan 62M-872, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "E"; and,
- (b) That the Corporate Counsel be directed and authorized to prepare a by-law to legalize the creation of maintenance easements for Lots 1-4, 10-16, 23-28, 34-42, 59, 61, 62, 66 and 68, inclusive, Registered Plan 62M-872 "Effort Gardens, Phase 1".

8. Commercial Property Improvement Loan Program, 544 Concession Street (HSB00008) (Item 4.5)

That a Commercial Property Improvement Loan in the amount of thirteen thousand, five hundred and seventy-one dollars (\$13,571) to Joseph and Gabrielle Marion for improvements to 544 Concession Street be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program.

9. Downtown Hamilton BIA, Appointment to the Board of Management (PWT00098) (Item 4.6)

- (a) That the following individuals be appointed to the Downtown Hamilton B.I.A.'s Board of Management:

Eddy Foo 150 King Street East, Ramada Plaza Hamilton

Charlotte Fournier 77 King William Street, The Border Bar and Grill

- (b) That the following individual be removed from the Downtown Hamilton B.I.A.'s Board of Management:

Reg Titian 27 John Street North, Reggies' Music and Sound

10. Proposed Public/Private Agreement for the Buchanan Estate (PDC99098B)

- (a) That staff be authorized and directed to enter into negotiations, based on the Principles as set out in Appendix "F", on a without prejudice basis, with 1333786 Ontario Limited, for the purposes of entering into a Public/Private Agreement for the entire Auchmar property, on or before July 7, 2000, failing which, the City will proceed to complete the Agreement of Purchase and Sale dated June 18, 1999 and the Agreement Amending The Agreement of Purchase and Sale dated September 13, 1999, which agreements calling for a closing date of no later than July 30, 2000;
- (b) That the Public/Private Agreement be brought back to Committee and Council for approval;
- (c) That staff be authorized and directed, in accordance with the City's Real Property Sales Procedural By-Law No. 95-049, to commence immediately the internal circularization of the Auchmar property and cause a report to be brought back to Council with respect to having the property declared surplus to the requirements of the City;
- (d) That the General Manager, Community Planning & Development, be directed to conduct public information sessions.

11. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-023 A By-law to Amend Zoning By-law No. 6593 Respecting: Land Located at Municipal No. 130 Bay Street.
- (b) C-024 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of the Future Extension of Greywood Road, South of Glenview Place.

- (c) C-025 A By-law to amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 00-074 Respecting Lands Located West of James Street North and East of Bay Street North and South of the CN Railway Line.
- (d) C-026 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 98-263 Respecting Lands Located at Municipal No. 649 Upper James Street.
- (e) C-027 A By-law to Repeal Site Plan Control By-law No. 98-206 Respecting Lands Located East of West 5th Street and North of Stone Church Road West.
- (f) C-028 A By-law to Establish Site Plan Control Respecting Lands Located East of West 5th Street and North of Stone Church Road West.
- (g) C-029 A By-law to Amend Zoning By-law No. 6593 Respecting Land at Municipal No. 90 Kinrade Avenue.

FOR THE INFORMATION OF CITY COUNCIL:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – May 3, 2000 (Item 3.1)**
May 9, 2000 (Item 3.2)

The Minutes of the meeting held May 3, 2000 were adopted.

The Minutes of the meeting held May 9, 2000 were adopted.

- (c) **Request for a Change in Zoning for Nos. 801 & 803 King Street West and 80, 86 and 90 Carling Street (ZAC-00-07)(PDC00091) (Item 2.1)**

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The following submissions were received:

- (i) Mr. R. Mason, 10 Papradise Rd. North
- (ii) Dean Robinson, 804 & 816 King Street West
- (iii) Mr & Mrs. Wood, 31 Paradise Road South
- (iv) Arthur Weiss

Paul Mallard gave a brief overview of the report and advised that of 102 notices circulated, 3 replied in favour and 21 opposed.

Arthur Weiss was present in support of his application. He stated that the building will be a condominium and the units will cost between \$150,000 and \$175,000. These units are geared to residents in the Westdale area who can no longer maintain single-family homes but wish to remain in the area. This property has been vacant for many years and this will be an improvement.

The following people were present and made oral submission in opposition to the development:

- Taylor Anderson, owner of 797 King Street West
- Elizabeth Maher, owner of 89 Carling Street
- Francis Hinchliffe, owner of 87 Carling Street
- Rose Kriderman, operating a business at 789 King Street West
- Brad Strain of 12 Paradise Road North
- Vic Swan of 802 King Street West
- Brian Walker of 27 Paradise Road South
- Dean Robinson, owner of 804 and 816 King Street West (who also submitted a petition of against the development)

Concerns raised by those present were as follows:

Lack of privacy, non-compatibility of the building to the surrounding area, decrease in property value, lack of airflow and sunlight, vandalism, noise and garbage pollution, traffic, lack of parking, student occupancy of units.

Alderman Caplan was in favour of the proposal stating that there needs to be in-filling and a balance of development as it contributes to the tax base. It is in keeping with the zoning standards.

Alderman Copps stated that new development should not have a negative impact on the existing neighbourhood. The taxes generated will be used to provide services to the tenants.

Alderman Kiss is opposed stating that the neighbourhood plan review

should be completed prior to any new development occurring.

In response to a question from Alderman Corsini, Paul Mallard advised that other high rises in the area are 6 to 8 stories in height. The current by-law permits 8 stories or 26 metres in height. The proposal for condos is 26 metres in height.

In response to a question from Alderman Haining, Paul Mallard advised that tenancy and occupancy cannot be regulated.

A motion was introduced to table the matter and was lost.

Recorded Vote on the main motion:

Yeas: Aldermen Caplan, Corsini, Haining, Eisenberger, Charters, Kelly,
D'Amico -7

Nays: Alderman Copps -1

Carried

(d) Request for a Change in Zoning for 12-14 Brantdale Avenue (ZAC-00-09) (PDC00086)(Item 2.3)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the application. Of 119 notices circulated 7 replied in favour and 0 opposed.

The proponent, Sean Murray of 557 Fennell Avenue East was present in support of his application.

(e) Request for a Change in Zoning- 1489-1523 Upper James St. (ZAC-00-13)(PDC00093) (Item 2.4)

Alderman D'Amico advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

A submission was received from Robert. C. & Mary Lou Dickson, 1428 Upper James St.

Paul Mallard reviewed the report and advised that there are 3 main items that the applicant is not in agreement with. They want to provide 4.5 metre landscaping strip in the rear whereas the bylaw requires 9.1 metres, they would like 3 pylons erected 6 metres from the roadway, whereas the urban design guidelines require 24 metres, and they have an outstanding appeal with the Ontario Municipal Board on a Committee of Adjustment decision which they are not prepared to withdraw.

Mr. Manchia introduced Mr. Lecluse, owner of sterling Honda. He thanked staff for expediting the application. He advised that he would like a minor amendment to the recommendation to indicate that the car wash is mechanical as well as manual. He stated that the pylons are consistent with those at Philthy McNasty's. He advised that the establishment next door only has a 3 metre landscape buffer in the rear of the property. Respecting the landscaping Mr. Manchia stated that the 4.5 metre strip will include a berm. He requested that the Clerk not sign the by-law until the appeal is withdrawn from the OMB.

Walter Morrissey of 106 Springside Drive representing the Knights of Columbus who own property adjacent to the lands in question was present. He stated that there is an outstanding court case with the previous owners of the property regarding the fact the land was originally to be used for a shopping mall.

Robert Morris of 1452 Upper James Street was present. He stated that the pylons at Philthy McNasty's are illegal and that the building Department is taking steps to have them removed. The streetscape is becoming garish. If certain conditions are not agreed upon by the proponent, it will be impossible for public input at the site plan stage. If the recommendation is approved, he requested that the owners of the dealership be prohibited from having speaker or PA announcements.

Anthony DiCenzo was present to represent the owners to the East of the property. He disputed that a 4.5 metre landscape strip would be an adequate buffer to a residential area. His client supports approval of the application subject to a 9.1 metre landscape strip being required along the rear of the property.

Nancy Smith advised that the Legal case involving the Knights of Columbus is a private lawsuit and should not have a bearing on the application before the Committee.

Following discussion the recommendation was approved as amended to include the fact that the car wash is mechanical, with direction that staff, the ward aldermen and the proponents meet to discuss possible compromises regarding the setback of the Pylons, and the size of the rear landscape strip.

* Alderman Copps was opposed to the main motion.

- (f) **Request for Removal of the Holding Zone for Lands Located at 649 Upper James Street (ZAR-00-12)(PDC00087) (Item 2.1)**

The Chairman advised that this is not a Public Meeting under the Planning Act.

- (g) **2000 Commemorative Plaque- Crystal Palace Grounds (PDC00100) (Item 4.4)**

The Chairman advised and the Committee concurred that that this item is to be withdrawn from the agenda as it has already received Council approval.

- (h) **Information Items (Item 4.7)**

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

- (i) Canadian Mortgage and Housing Corporation re: RRAP extension to June 30, 2000 dated May 11, 2000.
 - (ii) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North- Implementation of the Wesley Ontario Municipal Board Decision (seventh report) PDC99088F dated May 17, 2000.
- (i) **Site Plan Control Application DA-99-60 for Property at 30 Queenston Road and a Portion of the Adjacent Hydro Corridor (PDC00092) (Item 5)**

Joe Lakatos gave the Committee a brief presentation.

Bruce Hoppe, Planner for Tim Hortons, Jim Goth, traffic engineer and Anthony Dickenzo were present.

Mr. Hoppe stated that Tim Hortons is far exceeding the requirements that the City requires. They have entered into long term agreements with Ontario Hydro. Over 50% of the property will be landscaped.

Alderman Copps felt that is a dangerous location for traffic.

Alderman Wilson asked for additional trees and requested that right turns on Cochrane Road be prohibited. Noise after 11 p.m. is also a concern.

Alderman Caplan advised that the Tim Hortons at King and South Oval is not complying with the City By-laws.

Following discussion the Committee approved the site plan as amended as follows:

That approval be given to Site Plan Control Application DA-99-60 by TDL Group LTD., Lessee, of lands at 30 Queenston Road and a portion of the adjacent hydro corridor for a Tim Horton's Coffee Shop and a drive-thru, as shown on the attached map marked as Appendix "G", subject to the following:

- (a) modification to the plan in relation to notes, dimensions and landscaping as marked in red on the plan;
- (b) submission of a revised grading plan to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (c) provision of the appropriate landscape agreement with the City of Hamilton and the Region of Hamilton-Wentworth for landscaping in the Cochrane Road and Queenston Road road allowances; and,
- (d) inclusion of an acknowledgement clause, in the site plan agreement, stating that should the TDL Group Ltd. lose it's legal right to use Ontario Hydro lands, the drive-thru aspect of the development would cease to operate.
- (e) that the following additional red-lines be applied to the plans and drawings:

- (i) additional landscaping to be provided within landscape area at the rear of the building and along the westerly side of the building within hydro corridor to mitigate potential noise from the drive-thru next to the residential district;
- (ii) the drive-thru speakers to be low level speakers;
- (iii) the access driveway to Cochrane Road to be redesigned to limit vehicles from turning right onto Cochrane and head south (i.e. direct Tim Hortons traffic to Queenston Road).

* Alderman Copps opposed to the main motion.

(f) **DELEGATION**
Demolition of 14 Belvidere Avenue (information report) (PDC00103)
(item 6)

Mr. Clair Sellens owner of 14 Belvidere Avenue was present to request that the condition to rebuild within 2 years of demolition be waived. He stated that he is unable to build within 2 years and that demolition is preferable over having the building there since it is a location to which the police and fire department are called on a regular basis. Once there is no building, the land will be easier to maintain.

Jim Leach of 10 Belvidere Avenue was present and is in favour of the demolition but only on the condition that the property be maintained. The property is littered, the snow is not removed and it is overgrown with vegetation.

Patty Duarte of 1 Belvidere Avenue concurred.

In response to a question from Ms. Duarte, the chairperson advised that at present the property is zoned single-family but an application for rezoning can be brought forward to the City at any time.

Alderman Kelly was concerned with the condition of the property. He would like to know if snow removal was conducted by the Public Works division and placed on taxes.

Alderman Eisenberger felt that if the demolition is permit and the condition to rebuild is waived, rigorous property standards should be enforced.

Following discussion the Committee resolved that the matter be tabled and that staff be directed to meet with the residents and the owner in order to determine maintenance standards for the property should the building be demolished pursuant to rebuilding be waived and report back to Committee.

(g) PRIVATE AND CONFIDENTIAL ITEM- Legal Matter (Item 7)

**Proposed Public/Private Agreement for the Buchanan Estate
(PDC99098B)**

The Committee resolved to adjourn into closed session and reconvened immediately thereafter with a report.

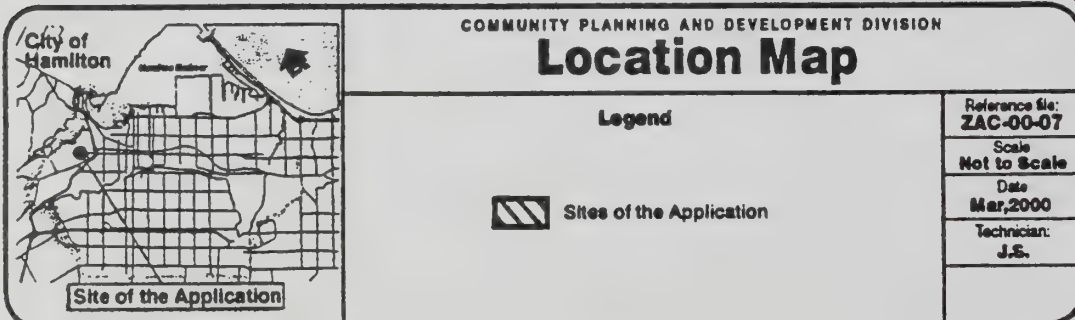
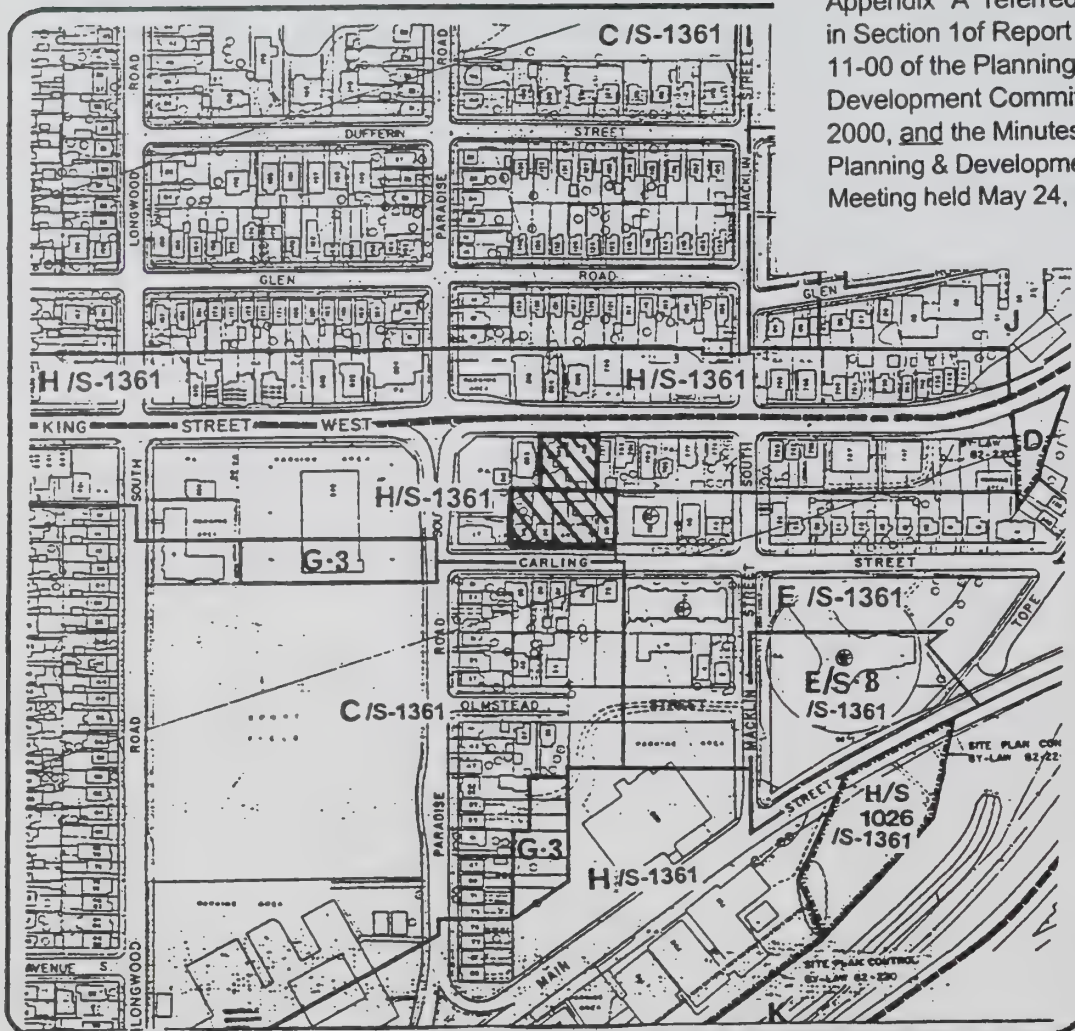
Janet Chase of 111 Clairmont Drive was present and stated that she was concerned that there is lack of information regarding the Auchmar proposal. She has made a request through the freedom of information officer and has not yet been given a reply.

Note: The meeting of the Planning and Development Committee adjourned at 1:35 p.m.

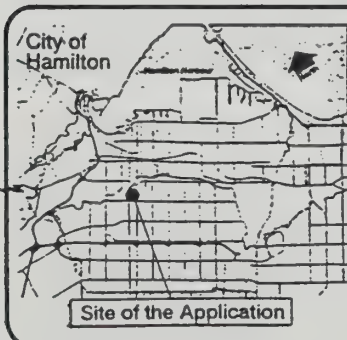
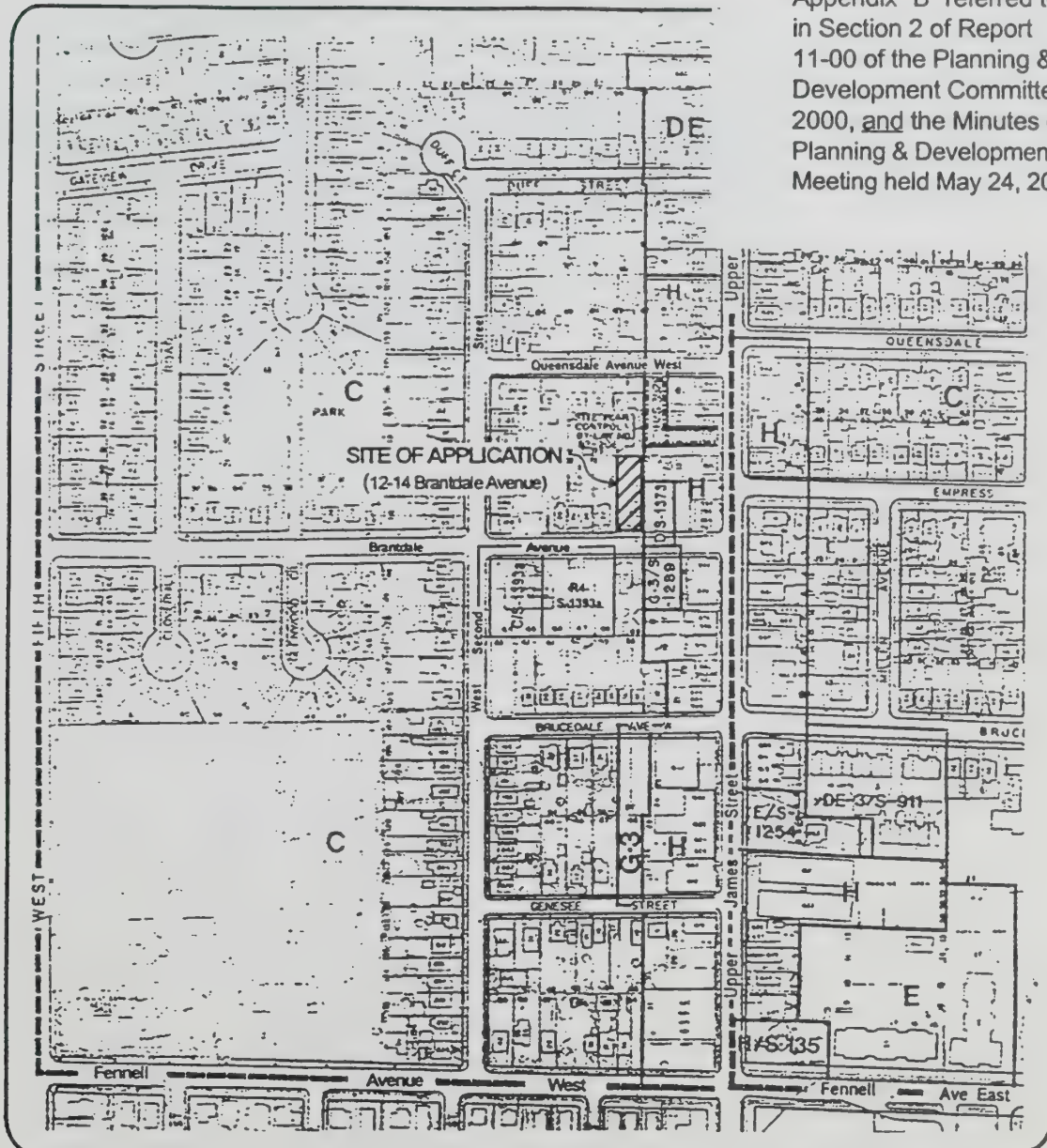
**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
May 24, 2000**

Appendix "A" referred to
in Section 1 of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.




Appendix "B" referred to in Section 2 of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Change in Zoning from:

-  "C" (Urban Protected Residential, etc.) District to
- "D" (Urban Protected Residential - One & Two Family Dwellings, etc.) District, Modified

Reference file:
ZAC-00-09

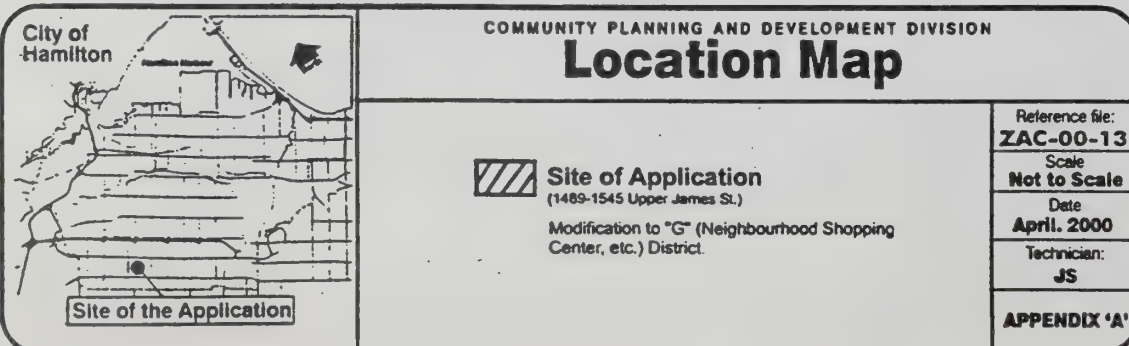
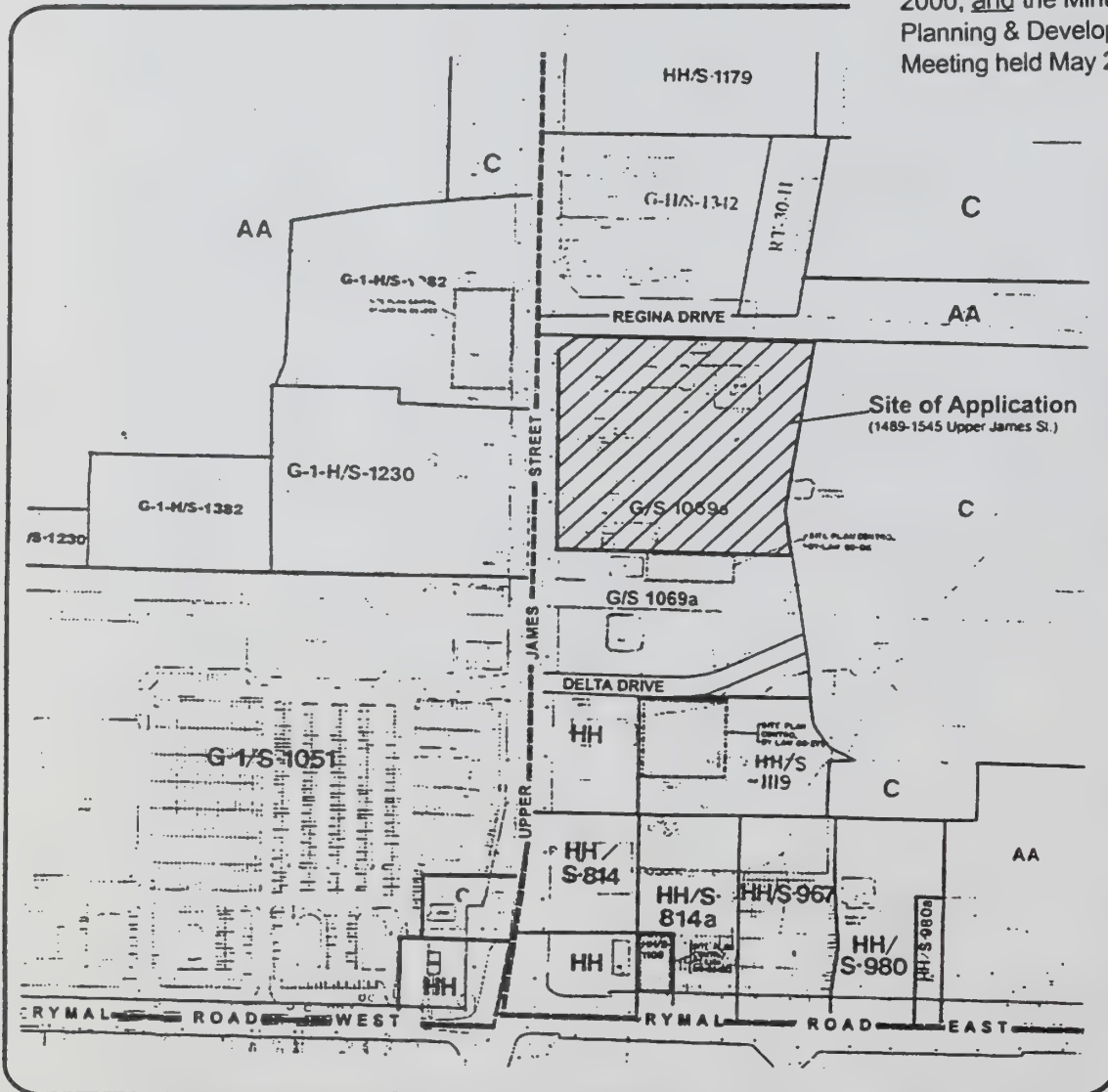
Scale
Not to Scale

Date
Mar. 29 2000

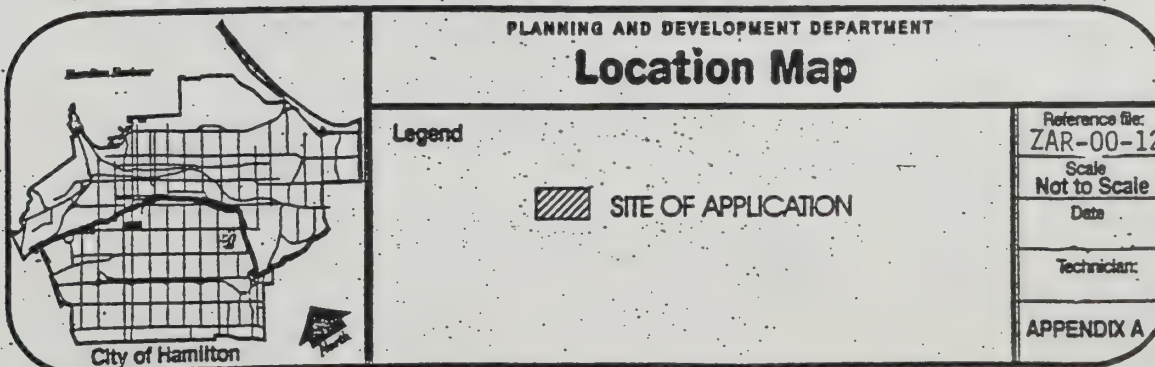
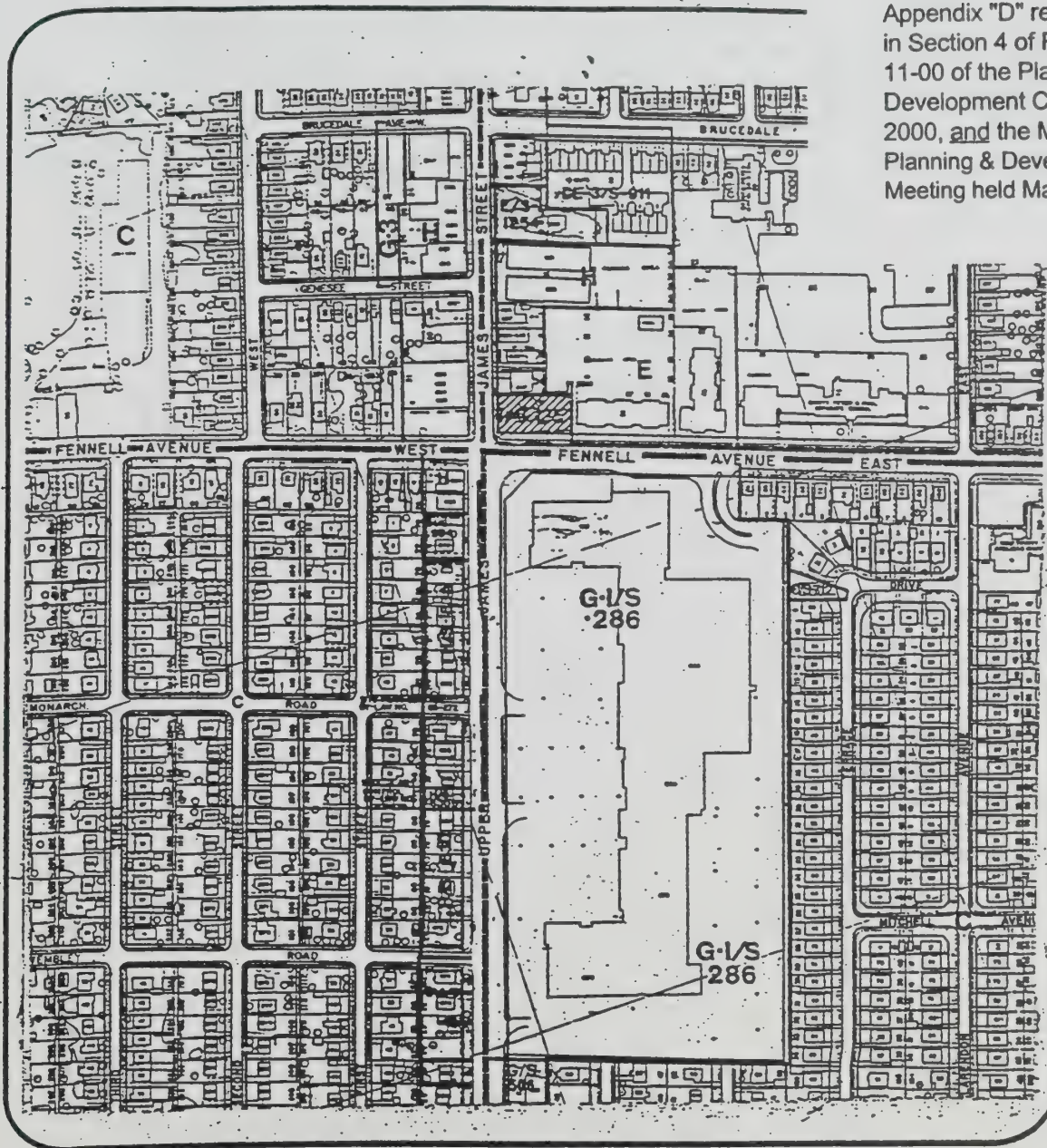
Technician:
PB

Appendix 'A'

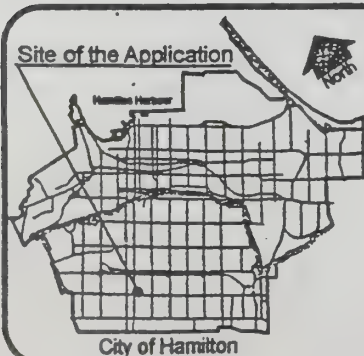
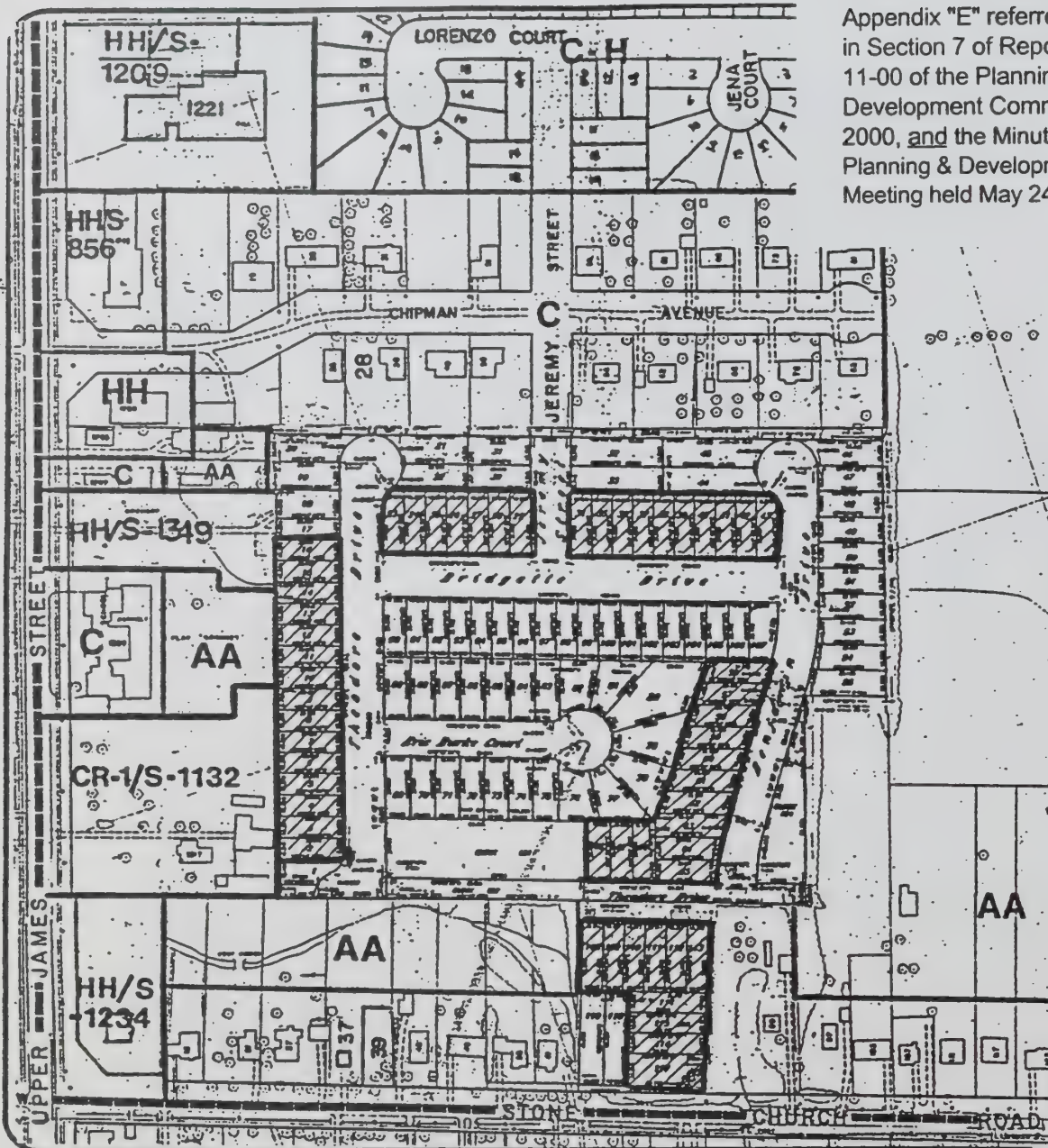
Appendix "C" referred to in Section 3 of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.



Appendix "D" referred to
in Section 4 of Report
11-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held May 24, 2000.



Appendix "E" referred to in Section 7 of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Subject Lands

Reference file:

PLC-99-06

Scale

Not to Scale

Date

June, 1999

Technician:

Jsims

APPENDIX 'A'

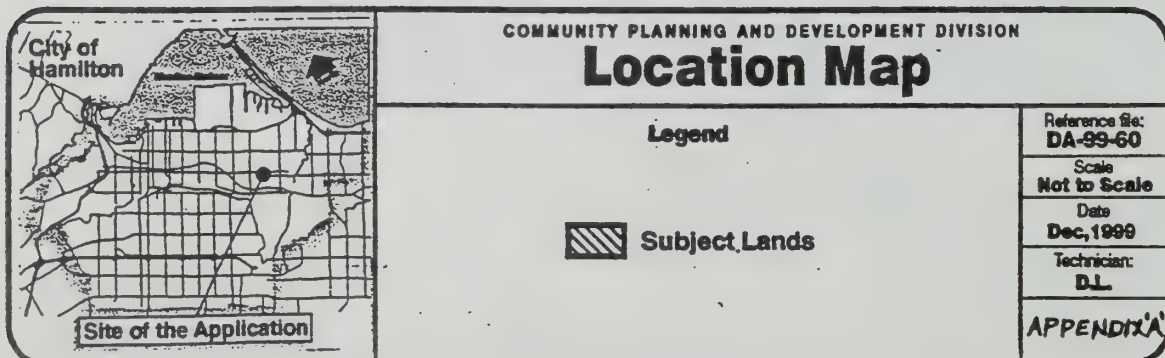
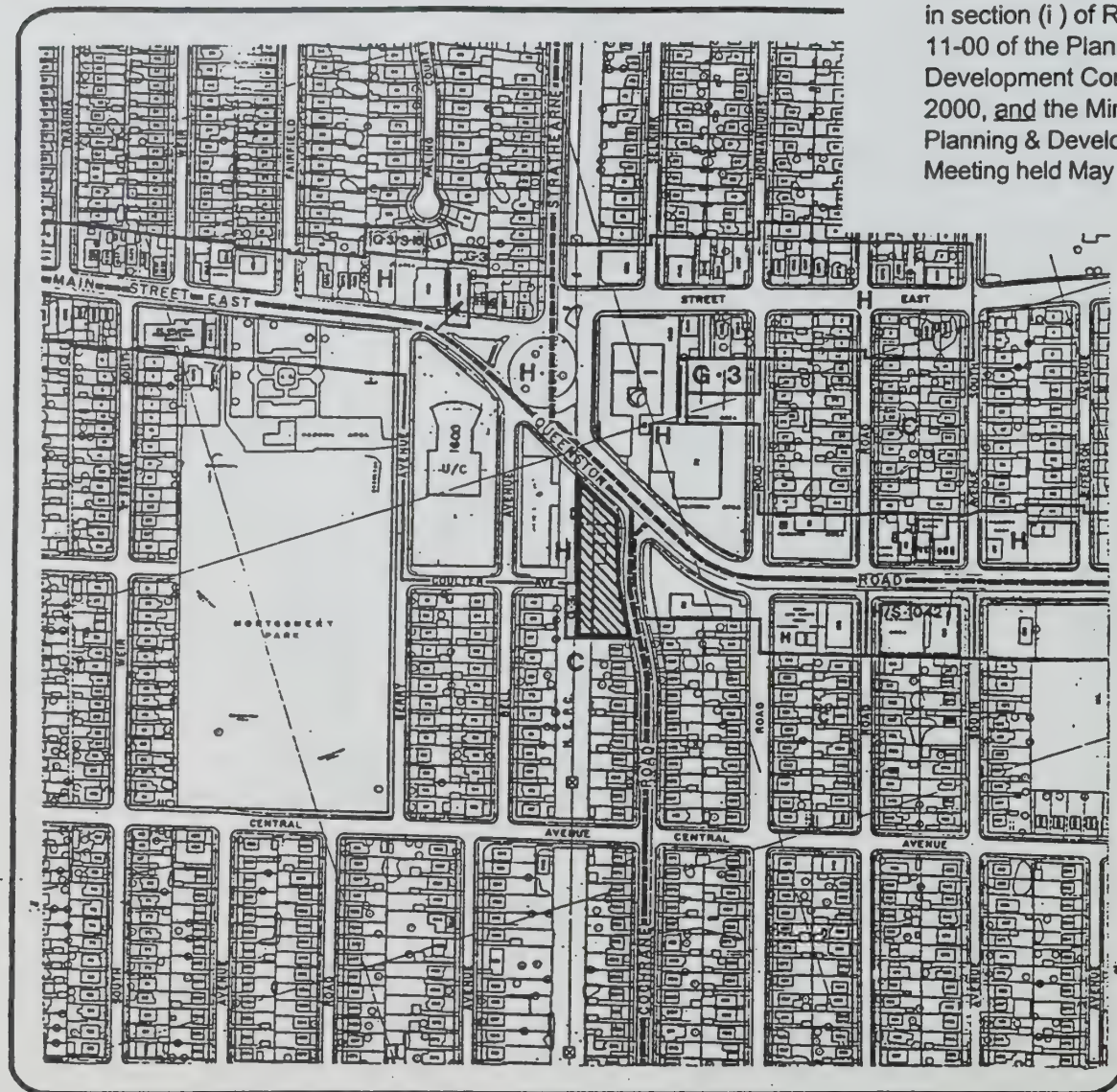
Appendix "F" referred to in Section 10 of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.

Guiding Principles

Based on the intended direction of Council, and input from LACAC, the community, and staff, the following guiding principles have been compiled:

- (a) establishment of an Heritage Easement for the entire property in favour of the City/Ontario Heritage Foundation;
- (b) Creation of "National Historic Site" status for the property;
- (c) Commitment to sustainable public access to the entire property, including all buildings and structures;
- (d) Commitment for the funding of the restoration of all buildings and structures and maintenance of all grounds at no additional expenditures to the City of Hamilton;
- (e) Commitment to sustainable long-term public ownership of a restored cultural heritage property for the City of Hamilton;
- (f) Commitment by all parties, including the tenants, the City and the community, to work co-operatively towards the long-term preservation of the property in the public interest;
- (g) Ensure that the initial property value, which the City of Hamilton invested (i.e., \$2,000,000.00), is protected; and,
- (h) Adaptive re-use and long term occupancy of the heritage buildings on the property is critical to its preservation and financial sustainability.

Appendix "G" referred to in section (i) of Report 11-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held May 24, 2000.



NOMINATING COMMITTEE



REPORT

CITY OF HAMILTON NOMINATING COMMITTEE

Tuesday, May 30, 2000
(immediately preceding the formal meeting
of City Council)
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

YOUR COMMITTEE PRESENTS REPORT 02-00 AND RESPECTFULLY RECOMMENDS:

1. **Appointment of the Chairman of the Committee of the Whole**

That Alderman be appointed Chairman of the Committee
of the Whole for the months of June, July and August, 2000.

2. **Bill**

That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-007: A By-law to Confirm the Proceedings of the Council of the
Corporation of the City of Hamilton.

Mayor R. M. Morrow, Chairman
Nominating Committee

Kevin C. Christenson, Secretary
May 30, 2000



BILLS

CITY OF HAMILTON CITY COUNCIL

Tuesday, May 30, 2000

7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

-
- | | |
|-------|--|
| C-023 | A By-law to Amend Zoning By-law No. 6593 Respecting: Land Located at Municipal No. 130 Bay Street . |
| C-024 | A By-law to amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of the Future Extension of Greywood Road, South of Glenview Place. |
| C-025 | A By-law to amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 00-074 Respecting Lands Located West of James Street North and East of Bay Street North and South of the CN Railway Line. |
| C-026 | A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 98-263 Respecting Lands Located at Municipal No. 649 Upper James Street. |
| C-027 | A By-law to Repeal Site Plan Control By-law No. 98-206 Respecting Lands Located East of West 5 th Street and North of Stone Church Road West. |
| C-028 | A By-law to Establish Site Plan Control Respecting Lands Located East of West 5 th Street and North of Stone Church Road West. |
| C-029 | A By-law to Amend Zoning By-law No. 6593 respecting land located at Municipal No. 90 Kinrade Avenue |
| E-007 | A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton. |

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 130 BAY STREET SOUTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-5 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "E-3" (High Density Multiple Dwellings) District, modified, to "A" (Conservation, Open Space, Park and Recreation) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "A" (Conservation, Open Space, Park and Recreation) District provisions, as contained in Section 7. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 7.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:
 - 1. A Place of Worship within the existing building only.
 - 2. Offices for outreach programs accessory to a Place of Worship, including counselling programs but excluding overnight accommodations, within the existing building only.
 - 3. Public open space; and,
- (b) Section 7.(2) of Zoning By-law No. 6593 shall not apply to the existing building; and,
- (c) Section 7.(3)(i), (ii) and (iii) of Zoning By-law No. 6593 shall not apply to the existing building; and,
- (d) notwithstanding Section 7.(4) of Zoning By-law No. 6593, the lot

shall have a width of at least 38 metres and an area of at least 1,380 square metres.

By-law Respecting 130 Bay Street South

2

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1443.

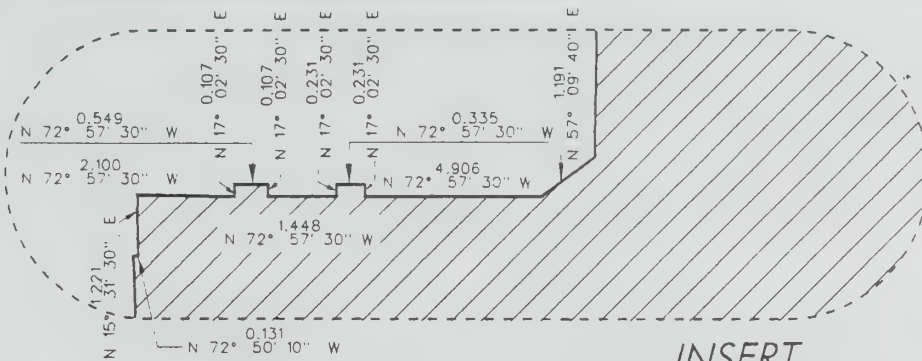
5. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1443.

6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of May A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



HUNTER STREET WEST ^{31.349}
N 72° 50' 10" W

SEE INSERT

PUBLIC ALLEY

^{84.545}
N 72° 46' 40" W

^{38.710}
N 16° 24' 30" E

BAY STREET SOUTH

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -
Passed the day of , 00.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-_____

to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Change in zoning from:



"E-3" (High Density Multiple Dwellings)
District, modified, to "A" (Conservation,
Open Space, Park and Recreation)
District, modified



North

Scale
NOT TO SCALE

Date
April, 2000

Reference File No
C1-00-A
Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE NORTH SIDE OF THE FUTURE EXTENSION
OF GREYWOOD ROAD, SOUTH OF GLENVIEW PLACE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-17C of the District Maps appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

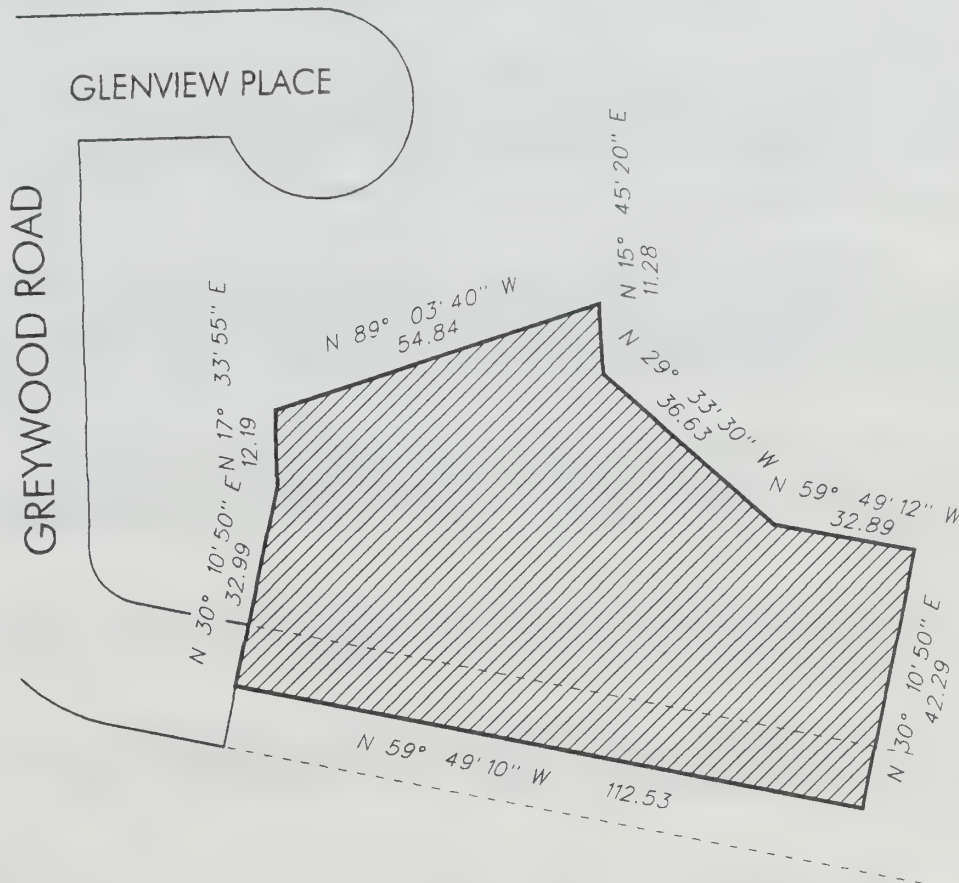
2. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of May A.D.2000.

ACTING MUNICIPAL CLERK

MAYOR

(2000) 00-07 R.P.D.C. 3, April 11
Casablanca Properties Inc., Owners
ZAC-00-02



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00
Passed the day of , 00.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-____

to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Change in zoning from:

 "C" (Urban Protected Residential, etc.) District to
"R-4" (Small Lot Single Family Dwelling) District



Scale
NOT TO SCALE

Date
May, 2000

Reference File No
ZAC-00-02

Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-law No. 00-074

Respecting:

**LANDS LOCATED WEST OF JAMES STREET NORTH,
EAST OF BAY STREET NORTH AND SOUTH OF THE C.N. RAILWAY LINE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 00-074 on the 9th day of May 2000 to change the zoning of the above referred to land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS it is expedient to repeal Zoning By-law No. 00-074 in its entirety and to amend Zoning By-law No. 6593 as hereinafter set out;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 00-074 is hereby repealed in its entirety.
2. Sheet No. W-3 of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "G-3 - 'H'" (Public Parking Lots - Holding) District, the land comprised in Block "1"; and,
 - (b) by changing from "J" (Light and Limited Heavy Industry, etc.) District to "G-3" - 'H' (Public Parking Lots - Holding) District, the land comprised in Block "2",

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

3. (a) The 'H' symbol applicable to the lands comprised in Blocks "1" and "2" shall be removed conditional upon the applicant/owner applying for and receiving approval of a Site Plan Control application from the City of Hamilton.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands comprised in Blocks "1" and "2" may at such time proceed in accordance with the "G-3" District provisions.

4. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C. of Zoning By-law No. 6593, applicable to the lands referred to in section 2 are amended to the extent only of the special requirement that,

(a) a 1.83 metre high chain link fence shall be provided and maintained along any lot line abutting a railway right-of-way.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirement referred to in section 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1426.

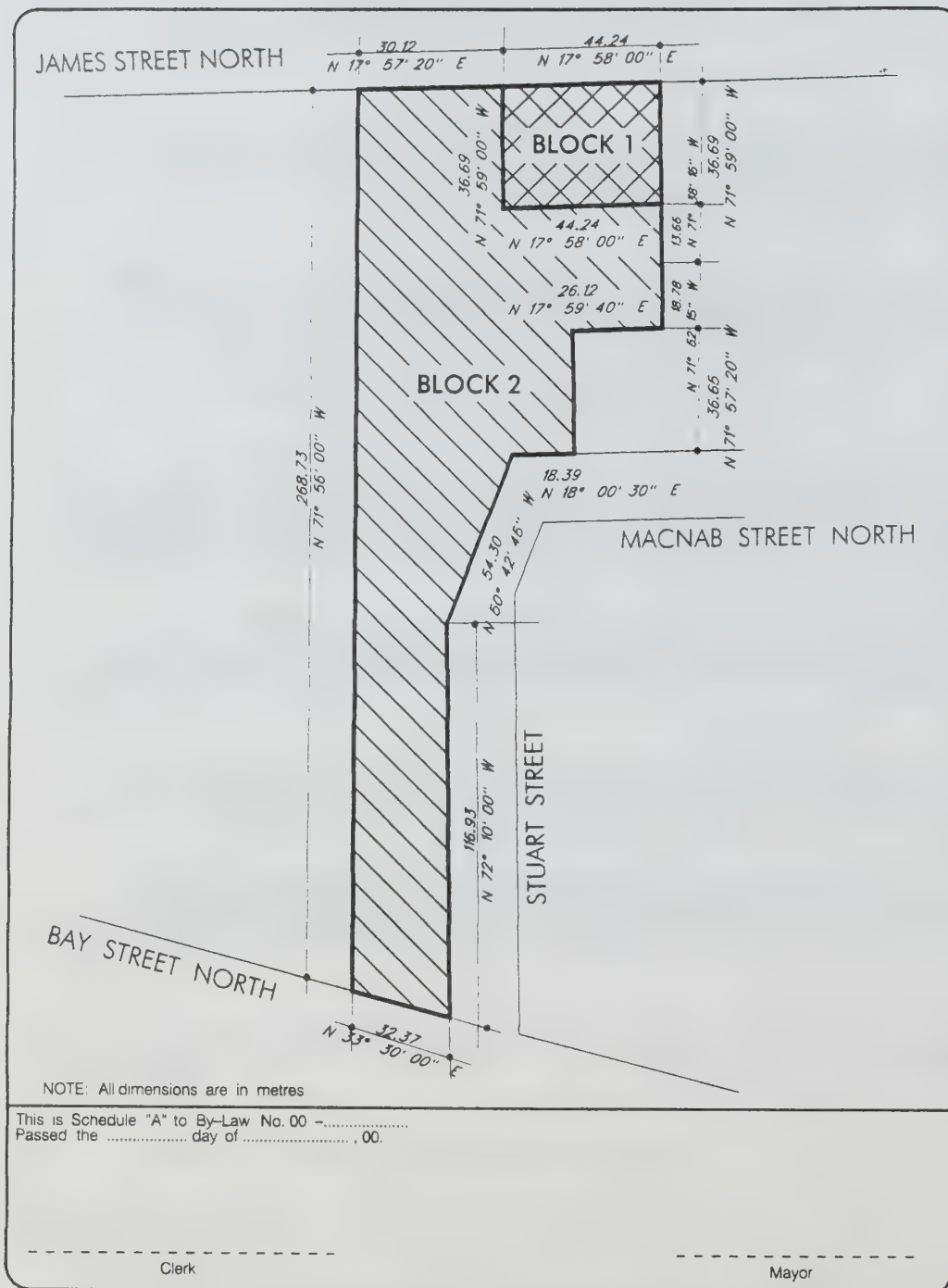
7. Sheet No. W-3 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1426.

8. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 30th day of May A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 00-_____
 to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Change in zoning from:

Block 1
 "H" (Community Shopping and Commercial, etc.) District to "G-3"-H' (Public Parking Lots-Holding) District

Block 2
 "J" (Light and Limited Heavy Industry, etc.) District to "G-3"-H' (Public Parking Lots-Holding) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-99-10
	Date	Drawn By
	APRIL, 2000	B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 98-263

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 649 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-263 on the 20th day of October, 1998 to rezone Block 1 from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified and Block 2 from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified and to establish special requirements with respect to Blocks 1 and 2, the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 3 of By-law No. 98-263 provides that upon the owner submitting a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE, the 'H' symbol shall be removed by amendment to By-law No. 98-263;

AND WHEREAS receipt and acknowledgement of the Record of Site Condition by the Region and the Ministry of Environment has been completed;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item of the th Report of the Planning and Development Committee at its meeting held on the 30th day of May, 2000, directed that By-law No. 98-263 be amended to remove the 'H' (Holding) symbol in respect of the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 98-263, passed on the 20th day of October, 1998, to the "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified designation of Blocks 1 and 2, the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan annexed as Schedule "A" to By-law No. 98-263 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 4. of By-law No. 98-263.

2. Sheet No. E-7 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 2. of By-law No. 98-263, is further amended by changing from "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified to "H" (Community Shopping and Commercial, etc.) District, modified, the land, the extent and boundaries as shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

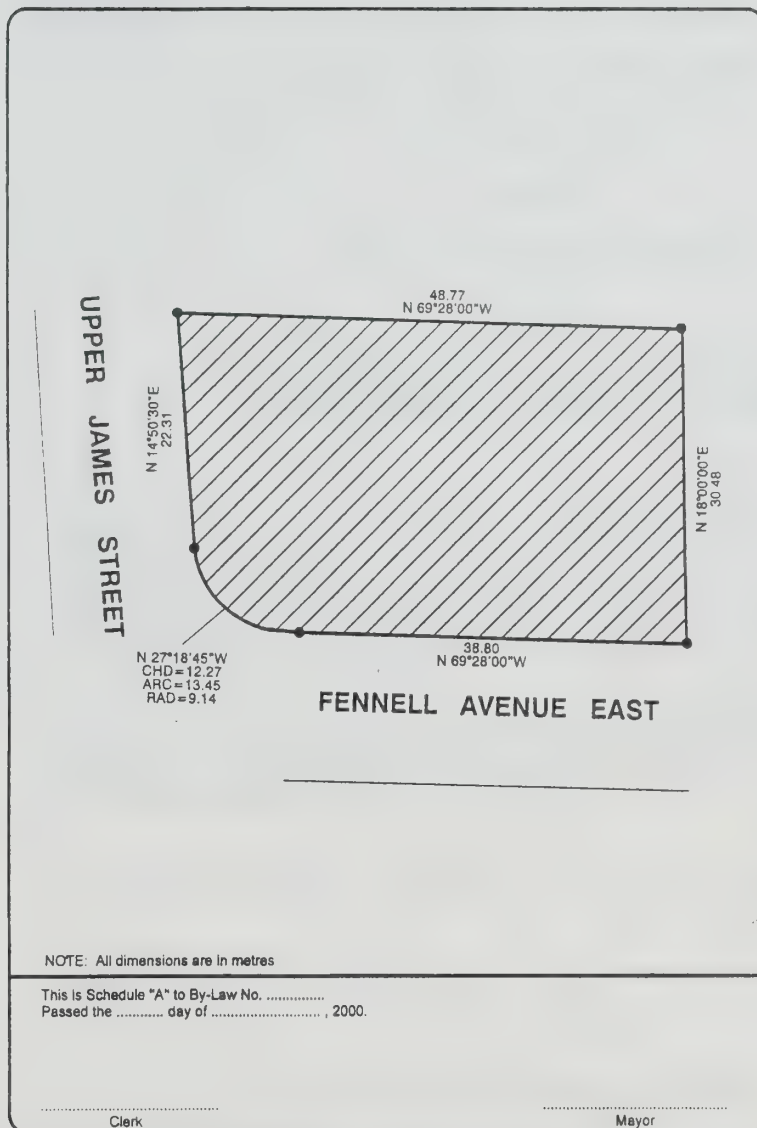
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 4. of By-law No. 98-263.
4. By-law No. 6593, as amended by By-law No. 98-263, is further amended by adding this by-law to section 19B as Schedule S-1409a.
5. Sheet No. E-7 of the District Maps, as amended by By-law No. 98-263, is amended by marking the lands referred to in section 2. of this by-law, S-1409a.
6. In all other respects, By-law No. 98-263 is hereby confirmed, unchanged.
7. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the by-law in accordance with the Planning Act.

PASSED this 30th day of May, A.D. 2000.

ACTING MUNICIPAL CLERK

MAYOR

(2000) 11R.P.D.C. 4, May 30
1136193 Ontario Inc. (Hussein Ghaddar), owner
ZAR-00-12



City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 00.....

Legend

Change in zoning from:



"H" - 1F (Community Shopping and Commercial, etc.
- Holding) District, modified to "H" (Community
Shopping and Commercial, etc.) District, modified

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Repeal:

Site Plan Control By-law No. 98-206

Respecting:

**LANDS LOCATED EAST OF WEST 5TH STREET
AND NORTH OF STONE CHURCH ROAD WEST**

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 98-173, passed on the 30th day of June 1998, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted By-law No. 98-206 on the 9th day of July, 1998 to impose site plan control on the above referred to land, which land is outlined in Schedule "A" annexed hereto and forming part of this by-law;

AND WHEREAS it is desirable to repeal By-law No. 98-206 to remove site plan control from the Schedule "A" land.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 98-206 is hereby repealed in its entirety.

PASSED this 30th day of May A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

WEST 5TH STREET

N16° 52' 00" E
13.00
N16° 53' 40" E
215.90

187.24 N71° 51' 30" W

187.24 N71° 51' 30" W

13.00
N18° 04' 25" E

STONE CHURCH ROAD WEST

Road Allowance Between Concession 7 & 8

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-.....
Passed the day of, 2000.

Clerk

Mayor

City of Hamilton

Appendix 175

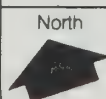
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Community Planning and Development Division

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.



Scale
NOT TO SCALE
Date
May, 2000

Reference File No.
ZA-98-13
Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Establish:

Site Plan Control

Respecting:

**LANDS LOCATED EAST OF WEST 5TH STREET
AND NORTH OF STONE CHURCH ROAD WEST**

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 98-173, passed on the 30th day of June 1998, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

175. Lands located East of West 5th Street and North of Stone Church Road West, shown on Appendix 175 hereto annexed and forming part of this by-law.

2. Appendix 175 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

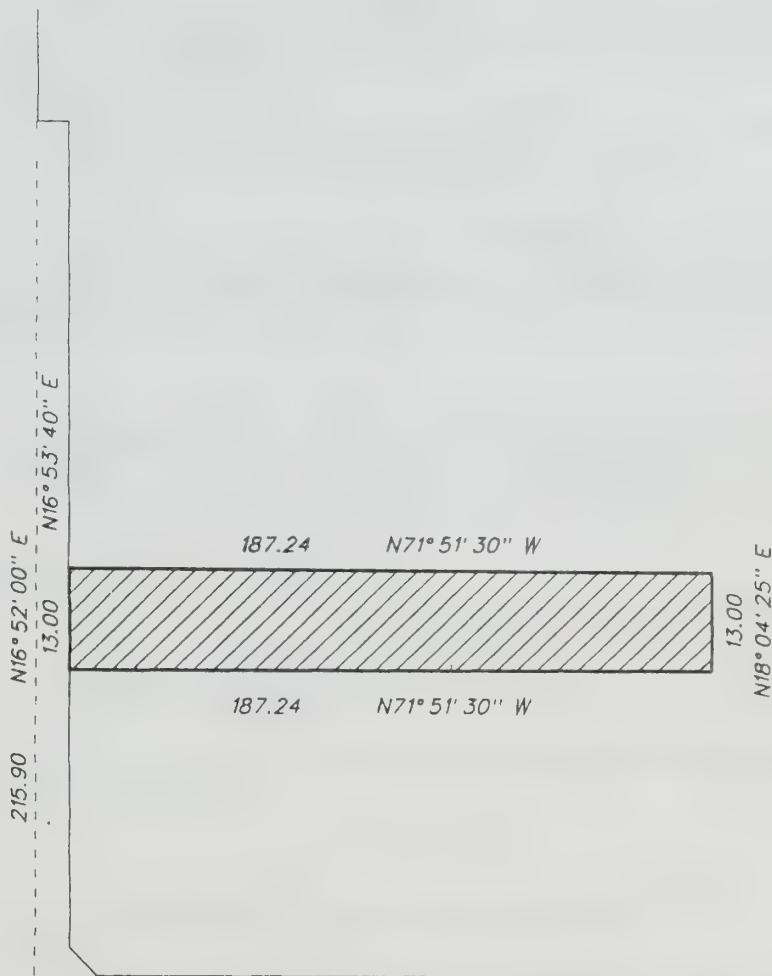
3. Section 2. of By-law No. 79-275, as amended, shall not apply to the land shown on Schedule "A".

PASSED this 30th day of May A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

WEST 5TH STREET



STONE CHURCH ROAD WEST

Road Allowance Between Concession 7 & 8

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-.....
Passed the day of, 2000.

Clerk

Mayor

City of Hamilton

Appendix 175

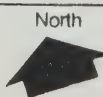
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Community Planning and Development Division

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.



Scale
NOT TO SCALE

Date
May, 2000

Reference File No.
ZA-98-13
Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 90 KINRADE AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-21 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions, as contained in Section 10. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 10. (3) (i) of Zoning By-law No. 6593, a front yard of a depth of at least 5.4 metres shall be provided and maintained; and,
- (b) notwithstanding Section 10. (4) (ii) of Zoning By-law No. 6593, a two-family dwelling shall have a lot area of at least 530.0 square metres; and,
- (c) notwithstanding Sections 18A. (14a) and 18A. (14g) of Zoning By-law No. 6593, required parking may be provided in a required front yard; and,

- (d) notwithstanding Sections 18A. (1) (f) and 18A. (9) of Zoning By-law No. 6593, manoeuvring space for the required parking shall not be required; and,
- (e) any fence shall be setback a minimum of 5.0 metres from the Kinrade Avenue road allowance limits.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1444.

5. Sheet No. E21 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1444.

6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

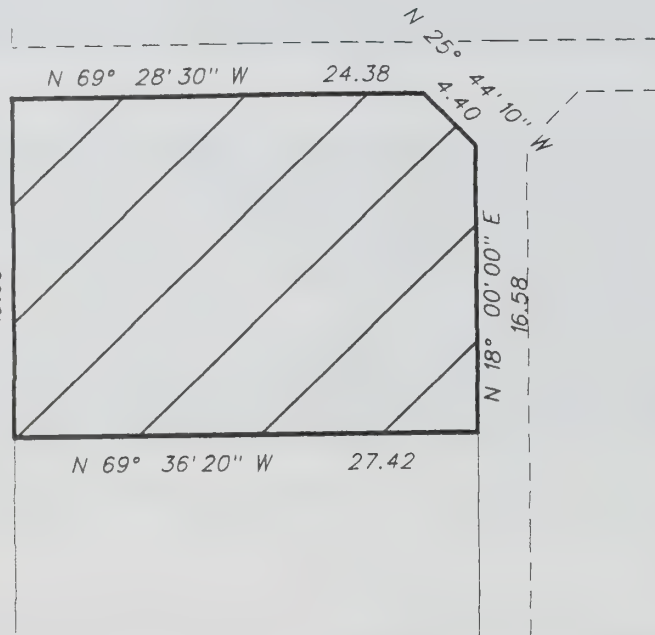
PASSED this 30th day of May A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

KINRADE AVENUE

N 18° 00' 00" E
19.69



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -
Passed the day of , 00.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-_____

to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Change in zoning from.



"G-3" (Public Parking Lots) District to
"D" (Urban Protected Residential - One and
Two Family Dwellings, etc.) District, modified

North



Scale
NOT TO SCALE

Date
May, 2000

Reference File No.
CI-00-B

Drawn By
B. B.

BY-LAW NO. 00 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30TH DAY OF MAY, 2000.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

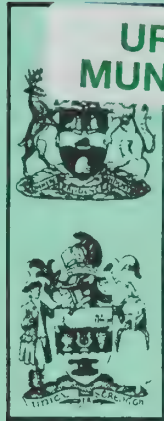
PASSED this 30TH day of MAY A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

CAY ON HB2 A05
A31
2000

Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL



URBAN
MUNICIPAL

AGENDA

CITY OF HAMILTON CITY COUNCIL

(available online at www.city.hamilton.on.ca/hccnet)

Tuesday, June 27, 2000
7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

URBAN MUNICIPAL

JUN 27 2000

GOVERNMENT DOCUMENTS

Kevin C. Christenson,
Acting Municipal Clerk

Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.

CALL TO ORDER

1. NATIONAL ANTHEM.

2. OPENING PRAYER: Father Michael Isabelle, St. Ann's Church

3. PRESENTATIONS

3.1 *Hamilton Downtown Partnership – presentation to the Mayor*

3.2 *Patti Beckett – Hamilton & Region Arts Council*

3.3 *Spring Gala Committee for the Hamilton Philharmonic Orchestra*

Gordon Bullock
Nancy Martin
Randy Syms
Gail Johnston

Helen Freeland
Christina Vander Zanden
Laura McQueen
Maggie Carr

3.4 *Marie Bountrigianni, M.P.P.*
Brad Clark, M.P.P.
David Christopherson, M.P.P.

3.5 *Saint Mary's Catholic Secondary School*
2000 OFSAA Provincial Girls Soccer Champions

3.6 *Kyle Kloosterman*
2000 Canadian National 10 Pin Bowling Bantam Champion

4. ADOPTION OF THE MINUTES OF THE COUNCIL MEETINGS HELD:
 - 4.1 May 30, 2000 (regular)
 - 4.2 June 6, 2000 (special); and
 - 4.3 June 20, 2000 (special)
5. CORRESPONDENCE.
6. REPORTS OF THE STANDING COMMITTEES:
 - 6.1 Transport and Environment Comm. – Report 11-00
 - 6.2 Parks and Recreation Committee - Report 08-00
 - 6.3 Planning and Development Committee – Report 12-00
 - 6.4 Finance and Administration Committee – Report 13-00
 - 6.5 Finance and Administration Committee – Report 14-00
7. NOTICE OF MOTION FROM PREVIOUS MEETING: ALDERMAN C. COLLINS
8. NOTICE OF MOTION FOR NEXT MEETING.
9. MOTION TO APPOINT THE FOLLOWING ALDERMAN AS ACTING MAYOR FOR THE MONTHS OF:

JULY – ALDERMAN D. O'SULLIVAN;
AUGUST - ALDERMAN M. KISS
SEPTEMBER - ALDERMAN M. CAPLAN
10. QUESTION PERIOD.
11. ADJOURNMENT.

MINUTES



MINUTES

CITY OF HAMILTON CITY COUNCIL

Tuesday, May 30, 2000

7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, G. Copps, D. Wilson, C. Collins, F. Eisenberger,
T. Jackson, T. Anderson, B. Kelly, F. D'Amico, D. O'Sullivan

Regrets: Alderman B. Charters – Civic Business

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Reverend Ralph Mills, Bethel Gospel Tabernacle, led Council in prayer.

PRESENTATIONS

Reverend Ralph Mills presented Mayor R. M. Morrow with a plaque from the Mayor of Compalla, Uganda.

Mayor R. M. Morrow acknowledged the month of June as ALS Awareness Month. In attendance to speak about ALS was Elizabeth Grandbois and Bruce Wilson.

Mayor R. M. Morrow presented Civic Awards to the Blessed Sacrament Atom Boys #3 for winning the Provincial "A" Championships in basketball.

Mayor R. M. Morrow presented Civic Awards to the Blessed Sacrament Atom Girls for winning the Provincial Championships in basketball.

Mayor R. M. Morrow presented Civic Awards to the Blessed Sacrament Yellow Jackets Atom Boys Division One in basketball.

ADOPTION OF MINUTES

The Minutes of the regular meeting held May 9, 2000 and the special meeting held May 16, 2000 were adopted as circulated.

CORRESPONDENCE

1. Letter dated May 20, 2000 from Diane Dent, PhD., Chairman, Local Architectural Conservation Advisory Committee Re: 74 Hughson Street South, Request for Proposal/Declaration and Sale of Surplus Property Reasons for Designation.

Referred to the Planning and Development Committee.

2. Application dated May 10, 2000 from Ashok and Virala Kumar, 81 Christie Street, Hamilton for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property at 81 Christie Street, Hamilton, Ontario)

Received.

3. Application dated May 12, 2000 from Valvasori Properties (in trust), 15 Old Oakes Place, Ancaster for a change in zoning from "DE"- H" (Low Density Multiple Dwellings) District to "DE" (Low Density Multiple Dwellings) District Modified for property at 30, 32, 36 and 40 Margaret Street; and, for a change in zoning from "D" (Urban Protected Residential – One and Two Family, Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings etc.) District modified.

Received.

4. Application dated May 12, 2000 from John M. and Barbara E. Crockett for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property at 1472 Upper Gage Avenue, Hamilton, Ontario.

Received.

5. Application dated May 15, 2000 from Chedoke Health Corp. c/o Lazier Hickey Langs, O'Neil for a further modification to the "AA" (Agricultural) District for property at the southeast corner of Sanatorium Road and Scenic Drive, Hamilton, Ontario.

Received.

6. Application dated May 24, 2000 from George Russell, 756 King Street East, unit 1, Hamilton, Ontario for an Official Plan Amendment and a change in zoning from "K" (Heavy Industry) District to "RT-20" (Townhouse – Maisonette) District for lands located on the south side of Stuart Street between Tiffany Street and Bay Street North, Hamilton, Ontario.

Received.

7. Application dated May 26, 2000 from Dicenzo and Associates, Lawyers respecting Zoning Application ZAC-00-13 for 1489-1523 Upper James Street, Hamilton

Received.

8. Petition respecting the change in zoning for 801-803 King Street West and 80-90 Carling Street. This item is also referred to in Section 1 of Report 11-00 of the Planning and Development Committee.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, and the Nominating Committee be now considered in Committee of the Whole with Alderman Collins in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 10-00

Rule No. 9 Re: Temporary Road Closure – Robbinex Corp. – Stuart Street

It was moved by Alderman Wilson and seconded by Alderman Collins that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of an item respecting Temporary Road Closure, Robbinex Corp. - Stuart Street, Hamilton.

CARRIED.

Section 5 Re: Temporary Road Closure – Robbinex Corp. – Stuart Street

It was moved by Alderman Wilson and seconded by Alderman Collins that the following be added as Section 5 to the Transport and Environment Committee Report 10-00:

5. Temporary Road Closure: Robbinex Corp. - Stuart Street. Hamilton

That the application by The Robbinex Corporation to temporarily close Stuart Street from Bay Street to MacNab Street on Wednesday, June 14, 2000 between 08:00 a.m. and 11:00 p.m., to hold their corporate 25th anniversary, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police, or his designate, be received, and that such permits or authorizations as may be required by the Chief of Police, or his designate, be obtained; and
- (b) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss; and
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police, or his designate; and
- (d) That all barricading be supplied by and at the expense of the applicant; and
- (e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and
- (h) That all property owners and tenants within the closure area of the route be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and
- (i) That the Alcohol and Gaming Commission of Ontario (ACGO) be advised that the City of Hamilton is aware of the application by The Robbinex Corporation located at 41 Stuart Street, to serve alcohol on

the road allowance of Stuart Street from 04:00 pm to 07:00 pm on June 14, 2000 and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – REPORT 11-00
--

Section 1 Re: Zoning Change – 801/803 and 80, 86 and 90 Carling Street

Recorded vote.

YEAS: Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. – 13.

NAYS: Aldermen Kiss, Copps.. –2.

CARRIED.

* * * * *

Section 3 Re: Request for a Change in Zoning – 1489-1523 Upper James Street.

It was moved by Alderman D'Amico and seconded by Alderman Kelly that Section 3 of Report 11-00 of the Planning and Development Committee be amended by:

- (a) adding after the word "maintained" in Sub-section (a) (iii) as follows: "except for business identification ground signs which shall be setback a minimum of 6.0m."; and,
- (b) by deleting sub-section (f) in its entirety and replacing it with the following:
 - (f) "That if an objection is received to the implementing by-law, the applicant shall withdraw the appeal of the Committee of Adjustment decision on Committee of Adjustment Application A-00:36 to the Ontario Municipal Board within five (5) days of receipt of the appeal. Also, that within five (5) days of the implementing By-law becoming of full force and effect, the applicant shall withdraw their appeal."

Recorded vote on amendment.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –15.

NAYS: Alderman Copps. –1.

CARRIED.

Recorded vote on section as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Alderman Copps. -1.

CARRIED.

Section 10 Re: Public/Private Agreement for the Auchmar\Buchanan Estate - 88 Fennell Avenue West

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. - 14.

NAYS: Alderman Copps. -1.

CARRIED.

NOMINATING COMMITTEE - REPORT 03-00

RESOLUTION

Tax Billing and
Operating Grant for Lakeland Pool

Rule No. 9 Re: Tax Billing

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No.9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow for the consideration of a motion respecting tax billing.

CARRIED.

Re: Tax Billing

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following motion be approved:

- (a) That the third instalment due date for 2000 taxation in the City of Hamilton due on June 30, 2000 be delayed until July 31, 2000; and,

- (b) That the Corporate Counsel be directed to prepare the 2000 taxation by-law for Council approval and include the due date amendment at that time.

CARRIED.

Rule No. 9 Re: Operating Grant for Lakeland Pool

It was moved by Alderman Collins and seconded by Alderman Eisenberger that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a motion respecting an operating grant for Lakeland Pool.

CARRIED.

Re: Operating Grant for Lakeland Pool

It was moved by Alderman Collins and seconded by Alderman Eisenberger:

- (a) That City Council provide an operating grant in the amount of \$20,000 to the operators of Lakeland Pool for the year 2000; and,
- (b) That funds be derived from the Reserve for Contingency Account COHAM 104015
- (c) That this matter be forwarded to the Transition Board for approval.

Re: Operating Grant for Lakeland Pool

It was moved by Alderman O'Sullivan and seconded by Alderman Anderson that the following motion respecting an Operating Grant for Lakeland Pool be referred to the Finance and Administration Committee meeting being held on June 6, 2000:

- (a) That City Council provide an operating grant in the amount of \$20,000 to the operators of Lakeland Pool; and,
- (b) That funds be derived from the Reserve for Contingency Account, COHAM 104015; and,
- (c) That this matter be referred to the Transition Board for approval.

CARRIED.

NOTICE OF MOTION FOR NEXT MEETING

Alderman Collins gave notice that he would move at the next regular meeting of City Council, the following motion respecting free downtown parking:

- a) That free on-street parking in the Downtown Core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered for the months of July and August, 2000, and that the financing required to cover the lost revenues be found within the projected 2000 surplus in the Parking Services Section (381,850); and,
- b) That on-street parking in the downtown core be limited to 2 hours from 8:00 a.m. to 6:00 p.m., Monday to Saturday; and,
- c) That should a portion of the required funding not be available through the sources indicated in Sub-Section (a), the Finance and Administration Committee be requested to recommend the method of financing; and,
- d) That the City Traffic By-law No. 89-072 be amended accordingly; and,
- e) That Regional Council be requested to amend the Regional Traffic By-law R89-038; and,
- f) That staff report back, after consultation with various stakeholders such as the International Village and Downtown B.I.A.'s, with the results of the program; and
- g) That the Transition Board be requested to deal with the matter no later than July 1st, 2000.

ACTING MAYOR FOR THE MONTH OF JUNE 2000

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman F. D'Amico be appointed Acting Mayor for the month of June, 2000. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Nominating Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

Note: The meeting adjourned at 9:40 p.m.

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**K. C. Christenson, Acting Municipal Clerk
May 30, 2000**

KCC/dg

H.2



MINUTES

CITY OF HAMILTON SPECIAL MEETING OF CITY COUNCIL

Tuesday, June 6, 2000

9:45 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Jackson, T. Anderson, B. Kelly, D. O'Sullivan

Regrets: Alderman F. D'Amico – Regional Business

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Caplan and seconded by Alderman Kiss that Council move into Committee of the Whole to consider the Report of the Finance and Administration Committee, be now considered in Committee of the Whole with Mayor R. Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. –16.

NAYS: -0.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE – REPORT 12-00**Rule No. 9 Re: Lakeland Pool**

It was moved by Alderman Wilson and seconded by Alderman Collins that Rule 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to allow consideration of a motion respecting Lakeland Pool. **CARRIED.**

Section 2 Re: Lakeland Pool

It was moved by Alderman Collins and seconded by Alderman Copps that the following be added as Section 2 of Report 12-00 of the Finance and Administration Committee:

2. Lakeland Pool (CSC00096)(Item 24)

- (a) That City Council approve a grant in the amount of \$20,000 to the Lakeland Family Pool Association for the purpose of operating the Lakeland Pool for the 2000 summer season only; and,
- (b) That the grant be subject to the operators receiving all necessary approvals from the Department of Public Health; and,
- (c) That the grant be subject to the operators providing proof of insurance satisfactory to the City Solicitor; and,
- (d) That the grant in the amount of \$20,000 to Lakeland Pool be funded from the Reserve for Contingency (COHAM 104015); and,
- (e) That this recommendation be forwarded to the Transition Board for their approval; and,
- (f) That audited financial statements be provided by no later than October, 2000. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Report of the Finance and Administration Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. -16.

NAYS: -0.

CARRIED.

Hamilton City Council then adjourned at 9:50 p.m.

Taken as read and approved.

**MAYOR R. M. MORROW
CHAIRMAN**

**K. C. Christenson, Acting Municipal Clerk
June 6, 2000
KCC/dg**



REPORT

CITY OF HAMILTON FINANCE AND ADMINISTRATION COMMITTEE

Tuesday, June 6, 2000
9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present:	City Finance and Administration Committee Alderman D. Wilson (Chairman), Alderman D. O'Sullivan (Vice- Chairman), Mayor R. Morrow, Aldermen A. Horwath, D. Haining, C. Collins, B. Charters, B. Kelly
Regrets:	Alderman M. Caplan - Regional business Region Finance and Administrative Services Committee Councillor B. Charters (Chairman), Councillor G. Etherington (Vice-Chairman), Councillors D. O'Sullivan, B. Kelly, M. Kiss, A. Bain, D. Wilson, A. Sloat
Regrets:	Councillor F. D'Amico - Regional business Councillor R. Powers - illness Councillor M. Caplan - Regional business
Also present:	Councillors R. Corsini, F. Eisenberger J. Bruzzese, A. Ross, L. Bourns, R. Fair, B. Desnoyers, R. Nutley, Fire Chief Peace, N. Catalano, T. Bradbury, J. Weatherhead, B. McMullin, L. Coveyduck, Police Chief Robertson, E. Holt, S. K. Reeder
Alderman D. Wilson, Chairman called the meeting to order.	

THE FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 12-00 AND RESPECTFULLY RECOMMENDS:

1. Non-Union Salary Adjustment (HUR0004)(Item 13.1)

- (a) That the Non-Union salary grid for all City and Regional exempt staff be increased by 1.5% effective April 1, 2000; and,

- (b) That this recommendation will require Transition Board approval.

2. Lakeland Pool (CSC00096)(Item 24)

- (a) That City Council approve a grant in the amount of \$20,000 to the Lakeland Family Pool Association for the purpose of operating the Lakeland Pool for the 2000 summer season only; and,
- (b) That the grant be subject to the operators receiving all necessary approvals from the Department of Public Health; and,
- (c) That the grant be subject to the operators providing proof of insurance satisfactory to the City Solicitor; and,
- (d) That the grant in the amount of \$20,000 to Lakeland Pool be funded from the Reserve for Contingency (COHAM 104015); and,
- (e) That this recommendation be forwarded to the Transition Board for their approval.
- (f) That audited financial statements be provided by no later than October, 2000. **ADDED.**

3. Bill

That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-024 A By-law to confirm the proceedings of the Council of the Corporation of the City of Hamilton.

FOR THE INFORMATION OF CITY COUNCIL:

(a) Declarations of Interest (Item 1)

None declared.

Note: The meeting of the Joint Meeting Session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee adjourned at 1:15 p.m.

**Alderman D. Wilson, Chairman
City Finance and Administration Committee**

**Susan K. Reeder, Legislative Assistant
June 6, 2000**



MINUTES

CITY OF HAMILTON SPECIAL MEETING OF CITY COUNCIL

Tuesday, June 20, 2000

9:10 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, D. Wilson, G. Copps, C. Collins, F. Eisenberger,
B. Charters, T. Jackson, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider the Resolution\By-law regarding Taxation, be now considered in Committee of the Whole with Mayor R. Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

RESOLUTIONS

Release of calculated excess working capital – Hydro Commissions
Bill D-025: Confirming By-law

Re: Release of Calculated Excess Working Capital – Hydro Commissions

It was moved by Alderman Charters and seconded by Alderman Kelly that the City of Hamilton in association with the City of Stoney Creek and the Town of Dundas, jointly yet severally, request of the Transition Board for release of "calculated excess working capital" from their respective Hydro Commissions and further;

That the City of Hamilton's allocation in excess of Nine Million Dollars, if approved, be utilized to reduce the tax rate in the City of Hamilton as per our approved budget.

CARRIED.

Re: Adoption of Bill D-025: Confirming By-law

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-025 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Resolution\By-law respecting Taxation, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

Hamilton City Council then adjourned at 9:15 p.m.

Taken as read and approved.

MAYOR R. M. MORROW
CHAIRMAN

K. C. Christenson,
Acting Municipal Clerk
June 20, 2000
KCC/dg

CORRESPONDENCE

City Council
June 27, 2000

Correspondence:

1. Application dated May 29, 2000 from Dundurn Street Loffts, for a change in zoning from "DE " – "H" (Low Density Multiple Dwellings – Holding) District modified to "DE " (Low Density Multiple Dwellings) District modified for property at 220 Dundurn Street South, Hamilton, Ontario.

Recommendation: Be Received.

2. Application dated May 30 from Alanson Lofts Inc. for a removal of holding provision for the properties located at 54-56 Alanson Street, Hamilton, Ontario.

Recommendation: Be Received.

3. Application dated June 9, 2000 from Atrium Villa Holdings, Toronto, Ontario for a further modification to the "DE'-3" (Multiple Dwellings) District Modified for the property located at 475 Main Street East, Hamilton, Ontario.

Recommendation: Be Received.

TRANSPORT AND ENVIRONMENT COMMITTEE



REPORT

CITY OF HAMILTON TRANSPORT AND ENVIRONMENT COMMITTEE

Monday, June 19, 2000

11:00 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman C. Collins (Chairperson), Alderman D. Wilson (Vice-Chairperson), Aldermen A. Horwath, B. Morelli, T. Jackson, F. D'Amico

Absent with regrets: Mayor R. M. Morrow – City Business
Alderman M. Kiss – Illness
Alderman T. Anderson – City Business

Also Present: Aldermen R. Corsini, D. Haining, G. Copps, F. Eisenberger, B. Price, C. Guthro, M. Hazell, T. Gill, R. Meiers, H. Solomon, K. Nutley, W. Plessl, F. Westaway, C. Biggs

Alderman C. Collins, Chairperson, called the meeting to order.

THE TRANSPORT AND ENVIRONMENT COMMITTEE PRESENTS REPORT 11-00 AND RESPECTFULLY RECOMMENDS:

1. 73 Garfield Avenue South, Proposed Alley Paving (PWT00118) (Item 3.1b)

That the request by Planning and Engineering Initiatives Ltd. to pave the alley east of Garfield Avenue South from Dunsmure Road to approximately 48m southerly be processed as a local improvement.

2. Proposed Extension to Outdoor Boulevard Café – 33 Hess Street South, Hamilton (PWT00115) (Item 4)

- (a) That the application of D. Dore, owner and B. Baldassaro and M. Vickers, operators of 33 Hess, located at 33 Hess Street South in Hamilton, to expand the existing outdoor boulevard café by another 10' X 39' onto the adjacent Hess Street road allowance, be approved, subject to the following conditions:

- (i) That the owner and applicants enter into appropriate Outdoor Boulevard Cafe agreements in a form satisfactory to the Acting Commissioner of Public Works and Traffic and the Corporate Counsel and Director of Real Estate; and,
 - (ii) That the applicants pay a \$50. document registration fee; and,
 - (iii) That the applicants provide proof of \$5,000,000 public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (iv) That the applicants occupy the licensed area of the boulevard from May 1 to October 31 only and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,
 - (v) That the applicants maintain access for the physically challenged utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25; and,
- (b) That the applicant receive permission for variance from the Committee of Adjustment; and,
 - (c) That the Mayor and the Municipal Clerk be authorized and directed to execute the Outdoor Boulevard Cafe Agreement.

3. Proposed Outdoor Boulevard Café – Ferguson Avenue North, Hamilton (PWT00113) (Item 5)

- (a) That the application of W. Schoen, owner of the Black Forest Inn at 255 King Street East, to erect and maintain an outdoor boulevard cafe on the Ferguson Avenue road allowance adjacent to his property at 251 King Street East, utilizing 21' X 60' of road allowance, be approved, subject to the following conditions:
 - (i) That the applicant enter into an Outdoor Boulevard Cafe agreement in a form satisfactory to the Acting Commissioner of Public Works and Traffic and the Corporate Counsel and Director of Real Estate; and,
 - (ii) That the applicant pay a document registration fee of \$50; and,
 - (iii) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

- (iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 only and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,
- (v) That the applicant maintain access for the physically challenged utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25; and,
- (b) That the Mayor and the Municipal Clerk be authorized and directed to execute the Outdoor Boulevard Cafe Agreement.

4. Temporary Road Closure – King William Street, Hamilton (PWT00120)
(Item 6)

That the application of the Downtown Hamilton B.I.A. to temporarily close King William Street between James Street and Hughson Street on Thursday, July 6, 2000 at 4:00 p.m. to Sunday, July 9, 2000 at 12 noon, to hold the second annual King William Street Downtown Block Party, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
- (b) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and,
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and,
- (i) That the applicant be granted an extension to the City of Hamilton Noise By-law 79-292 to continue the music until 12:00 midnight during the event, and that a City of Hamilton Noise By-law officer be in attendance, if necessary, throughout the event, at the expense of the applicant.

5. Request to Remove a portion of John Street North from the "Through Street" System (PWT00117) (Item 8)

That the following recommendation be forwarded to the Region's Transportation Services Committee for consideration:

- (a) That overnight parking be permitted on John Street North, between Robert Street and Barton Street West, from April 1 to October 31; and,
- (b) That an appropriate amendment to Regional Traffic By-law R89-083 be passed and enacted.

8. Use of Speed Humps on Residential Streets (TOE00003a) (Item 10)

- (a) That the general concept of the use of speed humps and speed tables to control speeds on residential neighbourhood streets and in alleys be endorsed; and,
- (b) That speed humps and speed tables only be permitted on two-lane residential streets or alleys with speed limits of 50 k/hr or lower; and,
- (c) That the use of speed humps be endorsed only for locations with proven traffic problems as per the criteria in Appendix "A" attached hereto; and,
- (d) That speed humps only be installed with the strong support and concurrence of residents of all streets in the area that would be affected, as per the criteria in Appendix "B" attached hereto; and,
- (e) That speed humps not be installed on routes identified as primary response routes by emergency services and that whenever speed humps are installed the concerns of the emergency services are defined and communicated to the residents; and,
- (f) That speed humps not be installed on HSR routes; and,

- (g) That staff be directed to prepare a capital budget submission for the year 2001 for initial speed hump program; and,
- (h) That, in accordance with the guidelines issued, this report does not require Transition Board approval.

9. Responsibility for Traffic Functions (PWT00104) (Item 11)

- (a) That the responsibility for all neighbourhood traffic issues be returned to the Community Traffic and Parking Services Division; and,
- (b) That the Acting City Manager be directed to return the appropriate budget base back to the Public Works and Traffic Department for the Neighbourhood Traffic Safety Co-ordinator position.

10. Routine Amendments to City of Hamilton Traffic By-law 89-72 – Transport and Environment Committee Meeting – May 1, 2000 (PWT00106) (Item 13.1)

That the requests for routine amendments as listed in Appendix "C" attached hereto, be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

11. Proposed Alteration of Strachan Street, from Bay Street North to Approximately 85m Easterly (PWT00119) (Item 13.2)

- (a) That the proposed alteration of Strachan Street from Bay Street North to approximately 85m easterly by realigning the roadway and widening the pavement from an existing width of 8.7m to a proposed width varying from 8.7m to 15.9m as shown on Appendix "D" attached hereto, be advertised under Section 300 of The Municipal Act being Chapter M.45 of the Revised Statutes of Ontario 1990; and,
- (b) That the Commissioner of Public Works and Traffic prepare the necessary By-law in a form satisfactory to Corporate Counsel and advertised by the Municipal Clerk.

12. Neighbourhood Watch Program for the Ainslie Wood East Neighbourhood (PWT00101) (Item 13.3)

- (a) That the Ainslie Wood East Neighbourhood be designated as a Neighbourhood Watch Area; and

- (b) That Neighbourhood Watch signs for the Ainslie Wood East Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and
- (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. COHAM-55301-466010.

13. Street Vendor Operation – Mr. Tom Anderson (PWT00112) (Item 13.4)

That the street vendor location at the southeast corner of York and Bay Streets, awarded to Mr. Tom Anderson, be made subject to the following:

- (a) The period of operation to commence January 1, 2000 and expire December 31, 2000; and,
- (b) The 2000 fee for this location be \$2,200; and,
- (c) The products offered for sale are approved by the Hamilton-Wentworth Regional Health Department; and,
- (d) Mr. Anderson submit an Operational Plan indicating a schedule of working hours; and,
- (e) Mr. Anderson enter into a legal agreement satisfactory to Corporate Counsel; and,
- (f) The Municipal Clerk and Mayor be authorized to execute the necessary agreement.

16. Declaration of Surplus Property – 583 Upper Wellington Street – Municipal Carpark #9a (PWT00110) (Item 13.5)

- (a) That 583 Upper Wellington Street, Municipal Carpark #9a, described as Lot 27 and part of Lot 26, Plan 572, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,
- (b) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049.

17. Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-033 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (b) A-034 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE RECEIVED AND/OR NOTED:

(a) Declarations of Interest (Item 1)

None declared.

(b) Adoption of Minutes (Item 2)

That the Minutes of the meetings of the Transport and Environment Committee held on May 1, 9 and 30, 2000, be adopted.

(c) Delegations

- (i) E. Lazar, 55 Melrose Avenue South, Hamilton – Alleyway Encroachment (New Business – No Copy)

Mrs. E. Lazar appeared before the Committee respecting the alleyway along the rear of her property at 55 Melrose Avenue South, and her ability to have clear access to her double-car garage as a result of an illegal structure in the alleyway.

Staff was directed to obtain a report back to the Committee from the Legal Department outlining the City's jurisdiction and authority to remove encroachments on unassumed alleyways.

In the interim, the Ward Aldermen indicated that they would arrange an on-site meeting with Mrs. Lazar and staff to resolve the issue on a temporary basis.

- (ii) Request from Sergio Manchia, Planning and Engineering Initiatives, to address the Committee respecting alley paving – Garfield Avenue South (Item 3.1a)

Mr. S. Manchia of Planning and Engineering Initiatives, appeared before the Committee respecting the upgrading of the alleyway at the rear of 73 Garfield Street South, Hamilton.

- (iii) Mr. Brian Butler et al re: flooding of residences on Beach Strip (Item 3.2)

Mr. B. Butler of 21 Arden Avenue, and Ms. J. Hamilton of 21 Granville Avenue, appeared before the Committee to express their concerns regarding the safety, health and nuisance factors of the constant flooding of those residents' properties who reside on the bay side of Beach Boulevard. The detailed written submission by Mr. Butler is available for perusal in the Clerk's Office.

Staff advised the Committee that proposed improvements in the amount of \$571,000 were submitted in the 2000 Capital Budget to alleviate the flooding problems. However, this program was not approved during the budget process.

Staff was directed to resubmit this request in the 2001 Capital Budget process for the consideration of the Transition Board, and that the Board be requested to allow the opportunity for the bay side residents to appear as a delegation at that time.

- (iv) Proposed Extension to Outdoor Boulevard Café – 33 Hess Street South, Hamilton (PWT00115) (Item 4)

Mr. B. Baldassaro, appeared before the Committee to speak in support of the application for the proposed extension to the outdoor boulevard café at 33 Hess Street South. The Committee requested that every attempt be made to keep the proposed extension aesthetically in keeping with the current appearance of Hess Village.

Mrs. P. Bragoli and Mrs. D. Kantowski, both residents at 222 Jackson Street West, addressed the Committee expressing their objection to the proposal.

- (d) **Request to Remove a portion of John Street North from the "Through Street" System (PWT00117) (Item 8)**

Aldermen A. Horwath and T. Jackson indicated that they wished to be recorded as being opposed.

(e) The following reports were **tabled**:

- (i) Petition to Remove Aberdeen Avenue from the "Through Street" System (PWT00083) (Item 7)
- (ii) Locke Street South – Various Sidewalk Encumbrances (PWT00114) (Item 9)

(f) **Use of Speed Humps on Residential Streets (TOE00003a)** (Item 10)

Section 2 of Appendix "B" to Report TOE00003a was amended by:

- (i) Deleting the word "minimum" and replacing it with "target" in lieu thereof;
- (ii) Adding the following sentence at the end of Section 2:

"The affected area is to be determined by staff in consultation with the elected representatives for the area."

(g) **Routine Amendments to City of Hamilton Traffic By-law 89-72 – Transport and Environment Committee Meeting – May 1, 2000 (PWT00106)** (Item 13.1)

Alderman B. Morelli requested that Item (i) in Ward 3 of the routine amendments, being the removal of the existing eastbound and westbound stop control at the intersection of Burris and Cumberland, be tabled.

(h) **Referral from Regional Council requesting adoption of "Corporate Smog Response Plan 2000 (PD99017a)** (Item 12)

The Committee received the report and directed staff to bring a report back on the implications of the "Corporate Smog Response Plan 2000" on operations.

(i) The following item was received:

- (i) Rennie Street Closed Landfill Site (PWT00123) (Item 13.6)

Note: The meeting of the Transport and Environment Committee adjourned at 1:00 p.m.

**Alderman C. Collins, Chairman
Transport and Environment Committee**

**Carolyn Biggs, Legislative Assistant
June 19, 2000**

City Council – June 27, 2000

Appendix "A" as referred to in
Section 8 of Transport and Environment
Committee Report 11-00

MINIMUM CRITERIA FOR THE INSTALLATION OF A SPEED HUMP

1. The location for the proposed speed humps must be a local residential street, with no more than 2 travelled lanes, or an alley.
2. The 85th percentile speed must be at least 8 k/hr higher than the speed limit.
3. The street must have a traffic volume of at least 300 vehicles per day.
4. The proposed installation locations must be visible for a minimum of 200 feet in both directions.
5. The proposed speed hump locations should be more than 75 metres from all traffic signals.
6. The preferable minimum distance from a speed hump to a stop controlled intersection is 75 metres, but this may be reduced to 50 metres or less in special circumstances.
7. The speed humps must not be on an emergency response route, (as designated by the Fire Department).
8. The proposed location must not be on a HSR bus route.
9. The street should have curb and gutter. Consideration may be given to streets without curb and gutter but in such cases special care should be used to accommodation of drainage and prevent vehicles from driving around the speed humps.

Appendix "B" as referred to in
Section 8 of Transport and Environment
Committee Report 11-00

NEIGHBOURHOOD INFORMATION PROGRAM

INSTALLATION PROCEDURE FOR SPEED HUMPS

1. There must be a Committee of neighbourhood residents willing to act as a liaison committee.
2. A target of 75% support from the total number of households on the blocks of the roadway proposed for the installation and 67% of all households on streets in the area affected by the speed humps shall be required to warrant the installation. The affected area is to be determined by staff in consultation with the elected representatives for the area.
3. A letter from the Emergency Services shall be sent to the residents along with the petition form to ensure that they understand the consequences on the response time for delivery of emergency services.
4. The response letter from the property owners living on the street in question shall indicate that they concur with the installation of speed humps and have signed the petition understanding that there may be speed humps, warning signs, pavement markings and/or restricted parking directly in front of their homes.

Appendix "C" as referred to in
Section 10 of Transport and Environment
Committee Report 11-00

Ward 1

- (a) Alderman Mary Kiss and Alderman Marvin Caplan have forwarded a request from area residents that the existing "1/2 Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the south side of Herkimer, east of Locke, be removed as the adjacent property is presently vacant.

Ward 2

- (a) Staff has received a petition signed by representatives of 12 of the 18 homes abutting Hughson between Barton and Murray requesting that a "Permit Parking" regulation be implemented on both sides of the street in this block. A maximum of 14 permits can be issued to the residents.
- (b) The Hamilton Street Railway has requested that the existing bus stop on the north side of Duke, west of James, be relocated to a mid-block location on the north side of Duke, east of MacNab. The subject bus stop was relocated on a trial basis several months ago and to date, no concerns have been identified.
- (c) Alderman Ron Corsini has requested the removal of the evening rush hour stopping prohibition on the north side of Burlington between James and Bay. Staff concurs with this request and also recommends that the morning rush hour stopping prohibition be removed, in this area.
- (d) As a result of concerns raised at a recent public meeting convened by Aldermen Andrea Horwath and Ron Corsini, staff is recommending that three-way stop control be implemented at the intersection of Mary and Murray.
- (e) As a result of concerns raised at a recent public meeting convened by Aldermen Andrea Horwath and Ron Corsini, and a subsequent staff review, it is recommended that Burlington between Mary and Ferguson and Mary between Burlington and Barton be removed from the City's Truck Route system.

Ward 3

- (a) Mrs. Elisa Cesa, 127 Balmoral Avenue North, has requested that a "Wheelchair Loading Zone, 7:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the west side of Balmoral in front of her home to accommodate her daughter who requires the use of wheelchair accessible transportation.

- (b) Staff has received a petition signed by representatives of 13 of the 18 homes abutting Lorne between Maplewood and Afton requesting that the recently implemented full-time "Permit Parking" regulation on the east side of Afton be changed back to a "Permit Parking, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation. Twelve of the residents are in favour and one is opposed to changing the regulation back. Seven of the residents had signed the original petition in favour.
- (c) Mr. Gerald Metcalf, 290 Grosvenor Avenue North, has requested that a reserved "Permit Parking" regulation be implemented on the west side of Grosvenor at No. 295, across the street from his home, since he is disabled. In 1997, Mr. Metcalf was granted a reserved parking space on the east side of the street in front of his home, however, he has since advised of a need for a space on the west side due to the existing "Alternate Side Parking" regulation. Ms. Nunes, 295 Grosvenor Avenue North, supports the request.
- (d) Ms. Diana Rychlik, 81 Case Street, requests that a reserved "Permit Parking" regulation be implemented on the north side of Case, east of Barnesdale, directly in front of her home, since she is disabled. Staff has confirmed that Ms. Rychlik satisfies all criteria attendant to this regulation.
- (e) Hal Warwick, 25 East Avenue North, has requested the implementation of a "Wheelchair Loading Zone, 9:00 a.m. to 6:00 p.m., Seven Days a Week" regulation on the west side of East, directly in front of his home, as his wife requires the use of DARTS vehicles.
- (f) Bob Filmore, Maintenance Supervisor, Voith Fabrics, 240 Lottridge Street, has requested that a "No Parking" driveway clearance be implemented on the west side of Lottridge, opposite their driveway, to facilitate turning movements of trucks accessing their driveway. A representative of Hotz Environmental, 239 Lottridge Street, has advised that they support the implementation of the requested regulation in front of their property.
- (g) Staff has received a petition signed by representatives of all five of the homes abutting Birge between East and Emerald requesting that the existing "No Parking" regulation be switched from the south side to the north side in this block to improve access to their driveways. All five of the residents that signed the petition are in favour of switching the regulation.
- (h) Staff has received a petition signed by representatives of 18 of the 23 homes abutting Balsam between Barton and Beechwood requesting that the existing "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be removed from both sides of the street in this block. All 18 of the residents that signed the petition are in favour of removing the regulation.

Ward 4

- (a) Staff has received a petition signed by representatives of 21 of the 30 abutting homes on Cannon between Robins and Kenilworth, requesting that the existing full-time "No Parking" regulation be removed. The existing "No Stopping, 4:00 p.m. to 6:00 p.m., Monday to Friday" regulation will remain in effect, and a "No Parking, 2:00 a.m. to 7:00 a.m., Seven Days a Week" regulation will be implemented to accommodate street maintenance operations.
- (b) Victor Mills, 150 Glow Avenue, has requested that a "No Parking" regulation be implemented on the south side of Glow, adjacent to the walkway to Glow Park, to improve visibility of children accessing the park. Representatives of the three properties abutting this area support the implementation of the requested regulation.
- (c) Alderman Dave Wilson has forwarded a petition signed by representatives of seven of the ten homes abutting Robins between Barton and Newlands requesting that the existing "Permit Parking" regulation on the west side of the street be removed. All seven of the residents are in favour of removing the subject regulation.

Ward 5

- (a) Alderman Chad Collins has forwarded a petition signed by representatives of 14 of the 23 homes abutting Tara requesting that the existing "Alternate Side Parking" regulation be removed from the street to allow unrestricted parking on both sides. Staff has contacted two additional residents. All 16 residents are in favour of removing the subject regulation.
- (b) Alderman Chad Collins has forwarded a petition signed by seven of the nine homes abutting Greenhill between National and Tommar requesting that the existing full-time "No Parking" regulation be removed from the west side of the street in this area. All seven residents are in favour of removing the regulation to allow unrestricted parking during the day.

Ward 6

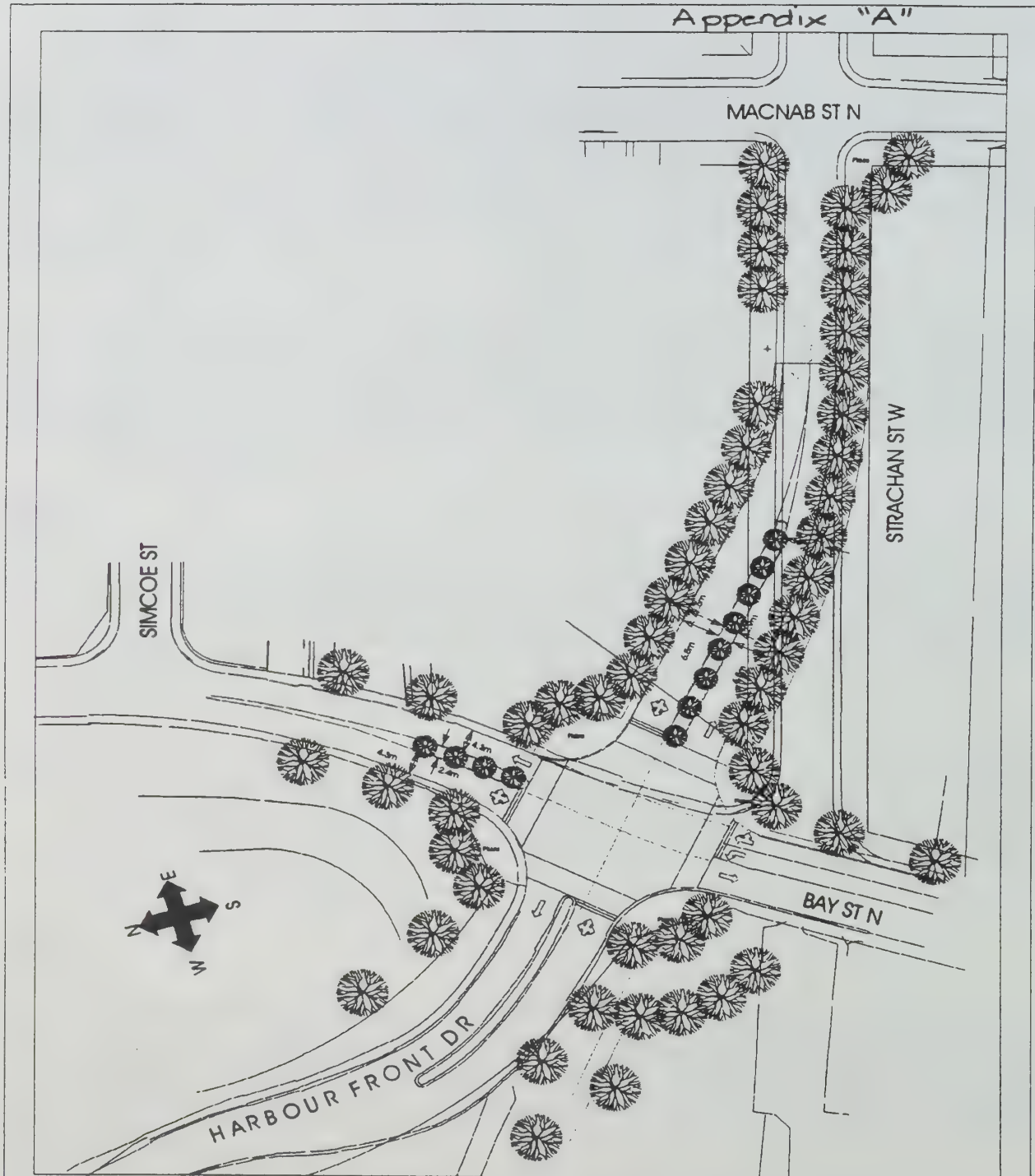
- (a) Alderman Bob Charters has forwarded a petition signed by representatives of seven of the eight properties abutting Lockheed between Landron and Paris requesting that a full-time "No Parking" regulation be implemented on the west side Lockheed in this block. All seven of the residents support the requested regulation.
- (b) Alicia Hewitt, 75 East 31st Street, has requested that a "Wheelchair Loading Zone, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on the east side of East 31st, directly in front of her home, since her daughter requires the use of DARTS vehicles.

- (c) Staff has received a petition signed by representatives of five of the seven residential properties abutting the easterly end of Rosanne requesting that the "No Parking" regulation be restored to both sides of Rosanne between Palmer and the west property line of No. 7 Rosanne. All five of the residents support re-instating the subject regulation.

Ward 7

- (a) Charolynn Talarico, 36 Arrowhead Drive, has requested that westbound stop control be implemented at the "T" type intersection of Arrowhead and Upper Wentworth.

Appendix "D" as referred to in
Section 11 of Transport and Environment
Committee Report 11-00



PARKS AND RECREATION COMMITTEE



REPORT

CITY OF HAMILTON PARKS AND RECREATION COMMITTEE

Monday, June 19, 2000
1:15 p.m.
Room 233, Hamilton City Hall
71 Main Street West, Hamilton

-
- Present:** Alderman B. Morelli (Chairperson)
Aldermen R. Corsini, G. Copps, F. Eisenberger, T. Jackson,
D. O'Sullivan
- Regrets:** Alderman M. Kiss (Vice-Chairperson) (Illness)
Mayor R. M. Morrow (Medical Appointment)
Alderman T. Anderson (City Business)
- Also Present:** Aldermen B. Charters, A. Horwath
R. Fair, K. Dunccliffe, G. Makins, D. Wood, S. Merlo-Orzel, H. Kayal,
C Guthro, B. Chrystian, W. Plessl, E. Holt, B. Price, B. Dunn,
C. Touzel

Alderman B. Morelli, Chairperson, called the meeting to order.

THE PARKS AND RECREATION COMMITTEE PRESENTS REPORT 08-00 AND RESPECTFULLY RECOMMENDS:

1. **Reciprocal Use of Facilities Agreement (CSC00089) (Item 4)**
 - (a) That the proposed Reciprocal Use of Facilities Agreement, attached hereto and marked as Appendix "A", for a service exchange of facilities used by Culture and Recreation Departments and the Hamilton-Wentworth District School Board, be approved for implementation September 1, 2000; and,
 - (b) That the Mayor and Acting Municipal Clerk be authorized and directed to execute the necessary agreement satisfactory to Corporate Counsel; and,

City Council - June 27, 2000

- (c) That this recommendation be forwarded to the Transition Board for approval.

2. East Kiwanis Boys and Girls Club - Prime Consultant Selection (CSC00099)
(Item 5)

- (a) That Staff be authorized to issue a Purchase Order to McCallum Sather Architects of Hamilton for the design and contract document preparation for the East Kiwanis Boys and Girls Club in the amount of One Hundred and Ninety Three Thousand and Fifty Dollars (\$193,050) plus applicable GST of Thirteen Thousand, Five Hundred and Thirteen Dollars and Fifty Cents (\$13,513.50) to the total of Two Hundred and Six Thousand, Five Hundred and Sixty Three Dollars and Fifty Cents (\$206,563.50) as the most qualified and acceptable of three (3) fee proposals received in accordance with Request for Proposal documents issued by the Purchasing Department and the interview process; and,
- (b) That a contract satisfactory to Corporate Counsel be entered into between the City and the Consultant; and,
- (c) That the Mayor and Acting Municipal Clerk be authorized to execute the contract on behalf of the City.

3. Hamilton Civic Golf Course - Green Fees - Two Hour Post Twilight Rates (CSC00100) (Item 6)

That a two hour post twilight green fee rate be approved for the Hamilton Civic Golf Courses for the 2000 season as follows: King's Forest \$19; Chedoke - Beddoe \$17; Martin \$15.

4. Hamilton Historical Board - Vision, Mission and Revised Mandate (Item 7)

That the Vision, Mission and revised Mandate of the Hamilton Historical Board, attached hereto and marked as Appendix "B", be approved.

5. External Posting for Chef Assistant and Kitchen Helper Position - Dundurn Coach House (CSC00086) (Item 8.1)

- (a) That permission be granted for the General Manager, Community Services Division, to advertise externally to fill the vacant part-time Chef's Assistant and Kitchen Helper positions at the Dundurn Coach House; and,
- (b) That this recommendation be forwarded to the Transition Board for approval.

6. External Posting for Historical Interpreter Positions - Dundurn National Historic Site (CSC00090) (Item 8.2)

- (a) That permission be granted for the General Manager, Community Services Division, to advertise externally to fill two vacant Historical Interpreter positions at Dundurn National Historic Site; and,
- (b) That this recommendation be forwarded to the Transition Board for approval.

7. Amusement Rides in Parks - Parks By-law No. 95-126 (CSC00102) (Item 8.3)

That approval, as required by Parks By-law No. 95-126 and under the standard Terms and Conditions of the Special Events Guidelines, be given to the following organization to hold amusement rides in a park on the following date and time:

North End Children's Centre – Rainbow Festival on July 6-9, 2000 in Woodlands Park from 12:00 noon – 10:00 p.m.

8. Sale of Alcoholic Beverages - Wentworth Adult Slo-Pitch League - Mountain Arena and Turner Park (CSC00091) (Item 8.4)

- (a) That approval be granted to the Wentworth Adult Slo-Pitch League to sell alcoholic beverages in Mountain Arena on July 21 and 22, 2000 from 12:00 p.m. – 1:00 a.m. and on July 23, 2000 from 12:00 p.m. – 8:00 p.m. and at Turner Park on July 22 and 23, 2000 from 12:00 p.m. – 7:00 p.m. by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence, the Municipal Alcohol Risk Management Policy and all applicable Insurance; and,

- (b) That approval for a one-time exception for alcohol advertising be granted to the tournament national sponsor, Molson Breweries in Mountain Arena and Turner Park during the tournament only.

9. Public-Private Partnership - Multi-Pad Arena and Sports Complex - Negotiations with Next Preferred Proponent (CSC00107) (Item 9)

- (a) That the General Manager, Community Services Division, be authorized to cease negotiations with JBK/Arena Corp. Inc.; and,
- (b) That the General Manager, Community Services Division, and the General Manager, Finance, be authorized to enter into Stage 3 of the Request-for Proposal process - Negotiations with Rose Technology being the next preferred proponent selected from the Stage 2 - Evaluation of Detailed Responses to the RFP; and,
- (c) That, if in the event negotiations with Rose Technology do not resolve outstanding issues relative to the proposal, that Staff report back to the Parks and Recreation Committee.

FOR THE INFORMATION OF CITY COUNCIL:

(a) Declarations of Interest (Item 1)

None declared.

(b) Adoption of Minutes - May 1, 2000 (Item 2)

That the Minutes of the Parks and Recreation Committee for its meeting held May 1, 2000 be adopted.

(c) Delegations/Presentations (Item 3)

(i) Presentation of Certificate of Appreciation to the Bay Area Restoration Council for Assistance with Tree Planting on Hamilton Harbour Waterfront Trail (Item 3.1)

Dr. Mark Sproule-Jones, Stacey Cherwaty and Marilyn Baxter, Bay Area Restoration Council, were presented with a Certificate of Recognition for their assistance in co-ordinating approximately 600 volunteers to plant trees along the Hamilton Harbour Waterfront Trail.

- (ii) **Hamilton Harbour Commissioners Cheque Presentation for Sponsorship of Benches for the Hamilton Harbour Waterfront Trail** (Item 3.2)

Ray Harris, accompanied by Brian Hinkley, Members of the Hamilton Harbour Commissioners, presented the City with a cheque in the amount of \$15,000 for the sponsorship of benches for the Hamilton Harbour Waterfront Trail.

The Hamilton Harbour Commissioners welcomed the opportunity to partner with the City and were thanked for their involvement with this project.

- (d) **Hamilton Historical Board - Vision, Mission and Revised Mandate** (Item 7)

The Hamilton Historical Board was congratulated for its work in this regard.

- (e) **External Posting for Historical Interpreter Positions - Dundurn (CSC00090)** (Item 8.2)

Recommendation (a) was amended to change the words "Dundurn Castle" to "Dundurn National Historic Site".

- (f) **Sale of Alcoholic Beverages - Wentworth Adult Slo-Pitch League - Mountain Arena and Turner Park (CSC00091)** (Item 8.4)

Aldermen Copps and Jackson were recorded as opposed.

- (g) **Information Items** (Item 8.5)

That the following items previously distributed to Members of Committee under separate cover, be received:

- (a) General Manager Approved Sport Field Special Events (CSC00103)
- (b) School Closure Meeting (CSC00104)
- (c) International Museums Day (CSC00087)
- (d) King's Forest - Red Hill Creek Remediation (CSC00092)

- (e) Minor Hockey Program for the Scott Park Community (CSC00105)
 - (f) Hamilton Harbour Waterfront Trail Donations/Services 'In Kind' Update (PWT00109)
 - (g) Supply and Installation of Asphalt Paving at Waterfront Trail, Bayfront Parking Lot and Harbourfront Drive (PWT00121)
 - (h) Executive Committee of the International Children's Games and Millennium Festival - Minutes of Meeting held May 1, 2000
 - (i) Executive Committee of the International Children's Games and Millennium Festival - Minutes of Meetings held May 29 and June 3, 2000
 - (j) New Mum Show Sub-Committee - Minutes of Meetings held April 6 and April 27, 2000
- (h) **Request for Information on the Royal Botanical Gardens** (Item 10 - New Business)
- Bernice Price, member of the Hamilton Senior's Council, indicated that she received some comments following a recent visit to the Royal Botanical Gardens on why citizens of the Region have to pay for admittance to the RBG when the Region gives the RBG a considerable grant each year. The Committee agreed to refer this request for information to the Region's Finance and Administrative Services Committee for a response to Mrs. Price.
- (i) **Public-Private Partnership - Multi-Pad Arena and Sports Complex - Negotiations with Next Preferred Proponent (CSC00107)** (Item 9)

The Committee moved in camera to discuss a matter of potential litigation.

The Committee reconvened in open session and amended subsection (c) of Report CSC00107 to read as follows:

- (c) That, if in the event negotiations with Rose Technology do not resolve outstanding issues relative to the proposal, that Staff report back to the Parks and Recreation Committee.

The main motion as amended, was carried.

City Council - June 27, 2000

Note: The meeting of the Parks and Recreation Committee adjourned at 2:20 p.m.

**Alderman B. Morelli, Chairperson
Parks and Recreation Committee**

**Charlene Touzel, Legislative Assistant
June 19, 2000**

**Appendix "A" as referred to in Section 1(a)
of Report 08-00 and the Minutes of the Parks and
Recreation Committee for its meeting held June 19, 2000**

Reciprocal Use of Facilities

The following is a template for an all inclusive reciprocal use agreement between the Hamilton Wentworth District School Board of Education (the "Board") and the municipalities of the Wentworth Region.

For the implementation of this agreement on September 1st, 2000 and for the purposes of this agreement ONLY, the City of Hamilton, the City of Stoney Creek, the Town of Flamborough, the Town of Ancaster, the Township of Glanbrook and the Town of Dundas shall be identified as one entity (the "City").

Commencing January 1st, 2001, this agreement shall be between the Hamilton Wentworth District School Board (the "Board") and the City of Hamilton ("the City").

Please note that this agreement is subject to adoption by the Municipal Councils for the City of Hamilton, the City of Stoney Creek, the Town of Flamborough, the Town of Ancaster, the Township of Glanbrook and the Town of Dundas at their respective May meeting(s), and acceptance by the Transition Board for the new City of Hamilton

Whereas the City owns and operates recreation centres that are attached to the schools owned by the Board;

And whereas the City owns and operates recreation facilities that are NOT associated with any specific school owned by the Board;

And whereas the Board owns and operates gymnasiums located within schools owned by the Board;

And whereas both the City and the Board utilize the services and facilities of the other party;

And whereas the parties wish to enter into an Agreement to equalize the cost of the services and facilities provided by each party;

And whereas Section 183 of the Education Act, R.S.O. 1990, chapter E.2 authorizes a School Board to enter into an agreement with a municipality for the purpose of establishing and providing for the maintenance and operation of facilities on the property of the parties to such an agreement, for such cultural, recreational, athletic, educational, administrative or other Community purpose;

Now therefore, this agreement witnesseth that, in consideration of the covenants and Agreements herein, the parties agree as follows:

1. The Board agrees to provide the facilities with the exception of those listed on Schedule 'A' to the City at the rates and level of service hours on Schedule 'B'.
2. The City agrees to provide the facilities with the exception of those listed on Schedule 'A' to the Board at the rates and level of service hours on Schedule 'B'.
3. The Board shall provide to the City, a comprehensive list of dates and times available at school facilities, by the third Monday of June for the following September to June school year.
4. The City shall provide to the Board, a comprehensive list of dates and times available at the municipal facilities, by the second Monday of September for that school year.
5. The Board shall have the right to use the municipal facilities, with the exception of those listed on Schedule 'A', during the school hours (8:00 a.m. to 6:00 p.m.). The Board shall give the City a

monthly schedule of the Board's intended use of the Centres at least 10 days before the end of the month proceeding the use period.

6. In those Recreation facilities containing a pool, the City will provide one (1) lifeguard in accordance with the Health Protection and Promotion Act during the Board's use
7. Please note that the usage of Municipal Pools is also predicated on the availability of a qualified lifeguard(s). Additional guards (required for more than 20 participants) are subject to availability and a separate charge. It is understood that lifeguards are specialized entities required by Provincial Statute governing public pools, and as lifeguards are a part-time position with the Department of Parks and Recreation, their availability cannot be guaranteed.
8. The City shall have the right to use the gymnasias of the Board's schools, with the exception of those listed on Schedule 'A', evenings (6:00 P.M. – 10:00 P.M.) on Monday to Friday and on weekends for the hours and duration set out on Schedule 'B'. The City shall give the Board a monthly list of the City's intended use of the Board's facilities at least 10 days before the end of the month proceeding the use period.
9. It is understood and accepted, that on occasion, school programming and maintenance may necessitate delayed start to the City's program to a particular school facility; further, City programming and maintenance may necessitate delayed start to school usage of a particular municipal facility. If possible, prompt and courteous notice of five (5) business days through and to the involved school principal, the involved facility manager, and the Accommodations and Planning Department is requested.
10. Either party may cancel and/or withdraw the availability of any particular facility from the other upon prompt and courteous notice of five (5) business days through and to the involved school principal, the involved facility manager and Accommodation and Planning Department
11. Both parties owe its own duty of care to all invited or uninvited persons on its premises. As such, each party will take all reasonable efforts to protect its property, premises and patrons. Associated costs are the direct responsibility of the property owner and, where agreed in writing be accounted for when balancing the exchange of service.
12. Each party agrees to keep records on the use of that party's facilities by the other.
13. In the event one party does not utilize all the services as listed in Schedule 'B', no credit shall be given to that party by the other party.
14. The Agreement shall commence on September 1st, 2000, and shall be terminated on August 31st, 2001, and shall contain an option for the three (3) year renewal of the agreement until August 31st, 2003. This renewal option is subject to the approval of both parties elected bodies and reviewed annually.
15. The City may make regulations on the use of the recreation facilities. The City will provide the Board with a copy of these regulations *on the same schedule as outlined in #3*.
16. The Board may make regulations on the use of the school facilities. The Board will provide the City with a copy of these regulations on the same schedule as outlined in #3.
17. Any party requiring services of facilities greater than shown on Schedule 'B' shall request the services from the other party and be advised whether the service or facility is available and the cost of the service or facility.
18. The parties agree that the rates shown on Schedule 'B' will remain constant until August 31st, 2001. After such time, the parties agree that the rates shown on Schedule 'B' may change, and agree it shall

give annual price settings as both parties are bound by budgets. If the parties fail to negotiate an agreement as to the prices, the other party may specify a change in services requested or may cancel this Agreement under the provision of Article.

19. The Board agrees to indemnify and save harmless the City from any and all claims, demands, actions, suites or proceedings that may arise out of the Board's use of the City's facilities unless caused by the negligence of the City.
20. The City agrees to indemnify and save harmless the Board from any and all claims, demands, actions, suites or proceedings that may arise out of the City's use of the City's facilities unless caused by the negligence of the Board.
21. Either of the parties may terminate this Agreement on six (6) month's notice to the other party.
22. This Agreement shall be governed by, and construed under the laws of the Province of Ontario.
23. No amendment, modification or supplement to the Agreement shall be valid or binding unless set out in writing and executed by the parties hereto.
24. This Agreement contains the entire agreement between the parties hereto with respect to the subject matter thereof. The Board acknowledges and agrees that it has not relied upon any statement, representation, agreement or warranty of the City except as set out in this Agreement.
25. In construing this Agreement, words in the singular shall include the plural, and vice versa, and words importing the masculine shall include the feminine, the neuter and vice versa, and words importing persons shall include corporations and vice versa.
26. This Agreement shall ensure to the benefit or, and be binding upon, each of the parties hereto, and each of their respective successors and assigns.
27. The parties agree to respect applicable provincial and local laws and statutes; and local Collective Agreements, policies and procedures
28. This agreement will be expanded to include the use of fields for the Summer 2001.
29. Any notices required or permitted to be given hereunder shall be sufficiently given if delivered or mailed by pre-paid registered mail as follows:

If to the City:

The City Clerk
The Corporation of the City of Hamilton
City Hall
71 Main Street West, P. O. Box 2040
HAMILTON, Ontario

Appendix "B" as referred to in Section 4
of Report 08-00 and the Minutes of the Parks and
Recreation Committee for its meeting held June 19, 2000

HAMILTON HISTORICAL BOARD

VISION

We will be recognized as community leaders in fostering appreciation and enjoyment of our cultural heritage for present and future generations.

MISSION

The Hamilton Historical Board, a volunteer advisory body, is dedicated to conserving and celebrating our communities' cultural heritage by creating and enhancing our living and learning environments.

March 1, 2000

City Council - June 27, 2000

MANDATE-HAMILTON HISTORICAL BOARD

1. To advise and recommend to the Parks and Recreation Committee on policy matters pertaining to the evaluation, acquisition, development, operation, maintenance and disposition of municipal museums, their grounds, structures and collections.
2. To advise and recommend action to the Parks and Recreation Committee on matters concerning our communities prehistoric and historic heritage.
3. To celebrate events, individuals, structures, and properties in our communities of historical significance and interest.
4. To promote public appreciation of our common historical heritage.
5. To promote heritage conservation and to initiate special projects designed to encourage public awareness of and enjoyment in prehistoric and historic heritage of our communities.
6. To promote broader understanding of the principles and practices of heritage conservation.
7. To encourage the preservation of our communities' documentary heritage, including written records, photographs, maps, architectural drawings, film footage, sound recordings, and documentary art.
8. To liaise with other historical groups and agencies, both within and outside our community and to operate joint programs where feasible.

Revised March 1, 2000

PLANNING AND DEVELOPMENT COMMITTEE



REPORT

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday June 21, 2000
9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Alderman A. Horwath, Alderman D. O'Sullivan, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, J. Hickey-Evans, T. Redmond, E. Switinky, N. Smith, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE PLANNING AND DEVELOPMENT COMMITTEE PRESENTS REPORT 12-00 AND RESPECTFULLY RECOMMENDS:

1. **ZAC-99-36 and SAC-99-04 "Scenic Park South", and Official Plan Amendment for lands located south of Chedmac Drive and east of Magnolia Drive (PDC00116) (Item 2.1)**
 - A. That approval be given to Official Plan Amendment No. 166, for lands located south of Chedmac Drive and east of Magnolia Drive for the following changes:
 - (a) A change in designation on Schedule "A" – General Land Use Concept of the City of Hamilton Official Plan to revise the boundary between the Residential and Open Space designations to reflect the proposed reconfiguration of the park and residential uses; and,
 - (b) A change in designations on Schedule J-1 "Chedmac Planning Area Secondary Plan" for changes to the density mix, road pattern and land use boundaries for the Major Institutional, Residential and

Open Space designations in accordance with the proposed plan of subdivision "Scenic Park South".

- B. That approval be given to Subdivision Application 99-04, (Regional File No. 25T-99009), Starward Homes Ltd., prospective owner to establish a draft plan of subdivision "Scenic Park South", on lands located south of Chedmac Drive and east of Magnolia Drive in the Mountview Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (a) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated April 25, 2000, showing 117 single-detached dwellings, 40 street townhouse units, 156 block townhouse units, 1 block for a public walkway and to establish 4 streets, attached as Appendix "B";
 - (b) That the applicant/owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
 - (c) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
 - (d) That the applicant/owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
 - (e) That the final plan conform with the Zoning By-law approved under the Planning Act;
 - (f) That the applicant/owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
 - (g) That the applicant/owner dedicate Block 122 to the City of Hamilton for parkland as provided for under Section 51 of the Planning Act;
 - (h) That the applicant/owner dedicate Block 121 as a public walkway to the City of Hamilton and that the applicant/owner provide for landscaping within the public walkway to the satisfaction of the Co-ordinator, Park Development and Maintenance Section,

Department of Public Works and Traffic;

- (i) That Block 118 not be developed until such time as the lands have been assembled to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (j) That the applicant/owner carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

- (k) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (l) That the applicant/owner submit a Servicing Study to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (m) That reconstruction and realignment of Chedmac Drive as noted in the approved Mountview Neighbourhood plan and the realignment of Chedmac Drive be implemented upon the direction of the Land Development Director;
- (n) That the Final Plan not be registered until the applicant/owner satisfies all the conditions of approval of City of Hamilton Land Severance Application B-99:82. These conditions of approval cover all roadway and land dedications for street widenings, servicing costs, etc.;
- (o) That the applicant/owner pay all outstanding land and servicing costs, etc. to the City of Hamilton and the Region of Hamilton-Wentworth. This is required in order that the City of Hamilton can pass the appropriate By-law to incorporate the .30m reserve, shown as part of Block "C" on Plan No. M-84, adjacent to Magnolia Drive, into the public highway;

- (p) That the 0.30m reserve previously incorporated into the Magnolia Drive road allowance and shown on the submitted plan, be revised to the satisfaction of the General Manager, Transportation, Operation and Environment Division;
- (q) That the driveway locations on Lots 18 to 24 inclusive, Lots 32, 33, 42 to 44 inclusive, Lots 45 to 51 inclusive, Lots 104 to 108 inclusive and Lots 115 to 117 inclusive be to the satisfaction of the General Manager, Transportation, Operations and Environment Division and be shown on the approved engineering drawings;
- (r) That the radius of the street line out of the cul-de-sac bulb adjacent to Lot 99 must be a minimum of 9m;
- (s) That the beginning of curve and end of curve of the horizontal curves on the west leg of Street "A", the tangent between the reverse curves and the tangent to the east-west leg of Street "A" must be to the satisfaction of the General Manager of the Transportation, Operation and Environment Division and must be shown on the plan;
- (t) That the phasing of development be to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (u) That the radius of Street "A" adjacent to Lots 115 to 117 and at the east limit of Street "A", adjacent to Block 120 must be shown on the plan;
- (v) That the limits of Street "A" (east leg), immediately south of Chedmac Drive and included in the Extendicare Severance be amended due to the change in alignment of Street "A" on this draft plan submission;
- (w) That the limits of Street "A" in the "Extendicare Block" align centreline to centreline with the limits of Street "A" on this draft plan;
- (x) That all lots with daylight triangles must maintain a minimum frontage of 4.5m outside of the daylight for driveway purposes. Driveways are not permitted to cross the daylight triangles;
- (y) That the subdivision plan not be registered until the Mountview Neighbourhood Plan has been revised to reflect the revised road

pattern and land use designations; and,

- (z) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City/Region prior to development of any portion of these lands.
- C. That funding for the acquisition of land required for park purposes in accordance with the approved Mountview Neighbourhood Plan, as revised to reflect the proposed plan of subdivision "Scenic Park South", for the amount of land that exceeds the 5% land dedication requirement, being approximately 7,580 m² (1.87 ac) of land, in accordance with Section 51 of the Planning Act and the City of Hamilton Official Plan, be forwarded for consideration in the 2001 Capital Budget.
- D. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-99-04/25T-99009), "Scenic Park South", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- E. That the Acting Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- F. That approval be given to Zoning Application ZAC-99-36, Starward Homes Ltd., prospective owner, for a changes in zoning for lands located south of Chedmac Drive and east of Magnolia Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (a) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District;
 - (b) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;
 - (c) That Blocks "3" and "16" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "C" (Urban Protected Residential, etc.) District;

- (d) That Blocks "4" and "7" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- (e) That Block "5" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (f) That Block "6" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (g) That Block "8" and "9" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District;
- (h) That Blocks "10" and "11" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- (i) That Block "12" be rezoned from "DE-3" (Multiple Dwellings) District to "RT-30" (Street Townhouse) District;
- (j) That Block "13" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-30" (Street Townhouse) District;
- (k) That Block "14" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "RT-20" (Townhouse – Maisonette) District; and,
- (l) That Block "15" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-20" (Townhouse – Maisonette) District.
- (m) That the "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "16", as referred to in Section F(iii) be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 9.(1), Subsection 18.(4) and Subsection 18.(13) of Zoning By-law No. 6593, no building

or structure, except a fence, shall be permitted;

- (n) That Subsection 2(b) of By-law No. 96-152 be deleted in its entirety;
- (o) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-43a and W-37 for presentation to City Council;
- (p) That the amending By-law applicable to Blocks 15 and 16 be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1363b, and that the subject lands on Zoning District Maps W-43a and W-37 be notated as S – 1363b;
- (q) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. 166 by the Region of Hamilton-Wentworth;
- (r) That upon finalization of the implementing zoning by-law, that the approved Mountview Neighbourhood Plan be amended to revise the road pattern as shown on the proposed plan of subdivision "Scenic Park South" (attached as Appendix "B") and to revise the land use designations for the following blocks (as shown on APPENDIX "A") on the following basis:

Blocks 1 & 2:	-	From "Park and Recreational" to "Single and Double" Residential;
Block 5	-	From "Single and Double" Residential to "Open Space";
Block 6	-	From "Low Density Housing" to "Open Space";
Blocks 8, 9, 10, 11	-	From "Low Density Housing" to "Single and Double" Residential;
Block 12	-	From "Institutional" to "Attached Housing";
Block 13	-	From "Civic and Institutional" to "Attached Housing"; and,

Block 14

- From "Single and Double" Residential to
"Low Density Housing".

2. ZAR-00-10, 544 Limeridge Road East (PDC00108) (Item 2.2)

That approval be given to Zoning Application ZAR-00-10, M.C.G.W. Properties Corp., owner, for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a car wash within a portion of the existing building and a proposed addition, for lands located at No. 544 Limeridge Road East, as shown on the attached Map marked as APPENDIX "C", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (i) Notwithstanding Section 14A.(1)(d) and Section 14.(1)(xviii), a mechanical and/or manual car wash shall be permitted with a maximum floor area of 882 m² and more than one bay or stall may be utilized.
 - (ii) Notwithstanding Section 14A.(3)(b) and Section 18.(3)(ivc)(a), an easterly side yard setback of at least 1.0 m shall be provided and maintained.
 - (iii) Notwithstanding Sections 14A.(3)(c) and 18.(3)(ivc)(a), a rear yard of a depth of at least 4.5 m shall be provided and maintained for a car wash kiosk with a maximum floor area of 4.7 m².
 - (iv) Sections 18.(3)(ivc)(b) and 18.(3)(ivc)(c) shall not apply.
 - (v) Notwithstanding Section 18A.(1)(d), a minimum of one loading space having minimum dimensions of 9.0 m long x 3.7 m wide x 4.5 m high shall be provided and maintained.
 - (vi) A landscaped area with a minimum width of 1.0 m shall be provided and maintained within the required minimum 1.0 m easterly side yard.
 - (vii) A landscaped area with a minimum width of 1.0 m shall be

provided and maintained along the entire southerly rear lot line.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1448, and that the subject lands on Zoning District Map E-27B be notated S-1448.
- (c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-27B for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. ZAR-00-14, 81 Christie Street (PDC00114) (Item 2.3)

That approval be given to Zoning Application 00-14, Ashok & Virbala Kumar, owner, requesting a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for property located at 81 Christie Street, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the land be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E in a form satisfactory for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. ZAR-00-16, 1472 Upper Gage Avenue (PDC00104) (Item 2.4)

That approval be given to Zoning Application ZAR-00-16 – 1472 Upper Gage Avenue, John and Barbara Crockett, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, for property located at the rear of 1472 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4"

(Small Lot Single Family Dwelling) District;

- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

5. Demolition of 19 Division Street (PDC00109) (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 19 Division Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

6. Demolition of 322 Lake Avenue North (PDC00110) (item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 322 Lake Avenue North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Demolition of 120 Catharine Street South (PDC00111) (item 4.3)

- (a) That subject to the requirements below, the Acting Director of Building be authorized to deny an application for a demolition permit for the building located at 120 Catharine Street South in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec. 33); and,
- (b) That the Acting Director of Building be authorized to issue a demolition permit for the building located at 120 Catharine Street South where the applicant has applied for and received the required zoning amendment and the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

8. Demolition of 928 Burlington Street East (PDC00112) (Item 4.4)

That the Acting Director of Building be authorized to issue a demolition permit for 928 Burlington Street East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

9. Amended Condition of Approval for Rental Housing Protection Act, Application CD-97-006 for 23-25 Macauley Street West (PD00001A) (Item 4.5)

(a) That, notwithstanding Section 1.(a)(iv)(2), of the Second Report for 1998 of the Planning and Development Committee, the conditional approval given by City Council on January 27, 1998 of Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "F", shall not have ceased on January 27, 2000; and,

(b) That Section 1. of the Second Report for 1998 of the Planning and Development Committee, respecting Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "F", approved by City Council on January 27, 1998, be amended by deleting clause 1.(a)(iv)(2) in its entirety and replacing it with the following:

"1.(a)(iv)(2) by December 31, 2000, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,".

10. Core Heritage 2000 Program, 14 Hess Street South (HSB00009) (Item 4.6)

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of eleven thousand, one hundred and sixty-five dollars (\$11,165) to Hess Village Enterprises, registered owner of 14 Hess Street South, be approved.

11. Authorization to advertise externally for Candidates to fill the position of "Heritage Planner" (PDC00113) (Item 4.7)

(a) That the General Manager of the Planning and Development Division be authorized to advertise externally for qualified candidates to fill the position of Heritage Planner; and,

- (b) That this matter be forwarded to the Transition Board for approval.

12. Tax Incentive Program Extension – Commercial/Industrial Heritage Buildings in the Central Area (PDC00101) (Item 5.1)

That the Tax Incentive Program for designated commercial and industrial buildings be extended to include the Central Area in accordance with the eligibility criteria and requirements contained in APPENDIX "G".

13. Waiving of fees for 73 Garfield Avenue (Item 6)

That the Building, Park Dedication and Condominium application Fees be waived for the property located at 73 Garfield Avenue.

14. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-030 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 12-14 Brantdale Avenue.
- (b) C-031 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 801 and 803 King Street West and 80, 86 and 90 Carling Street.
- (c) C-032 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located East of Glancaster Road, West of Hawkswood Trail at the Westerly Limits of Falconridge Drive and South of Rymal Road West.
- (d) C-033 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 93-1623 Respecting Lands Located at Municipal Nos. 89-91 Vine Street.
- (e) C-034 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at 81 Christie Street.
- (f) C-035 A By-law to amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1015 Main Street West.
- (g) C-036 A By-law to Establish Site Plan Control Respecting Land Located at

Municipal No. 1015 Main Street West.

- (h) C-037A By-law to Remove Land Within the "Wisemount Estates, Phase 10" Subdivision, Plan 62M-889 from Part Lot Control.
- (i) C-038 A By-law to Remove Land Within the "Claudette Gardens, Phase 6" Subdivision, Plan 62M-796 and "Domvir Estates, Phase 1, Subdivision, Plan 62M-861 from Part Lot Control.
- (j) C-039 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-laws No. 88-135 and 90-145 Respecting Lands Located at Municipal Nos. 1489-1523 Upper James Street.

FOR THE INFORMATION OF CITY COUNCIL:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – May 24, 2000 (Item 3.1)**
May 30, 2000 (Item 3.2)

The Minutes of the meeting held May 24, 2000 were adopted.

The Minutes of the meeting held May 30, 2000 were adopted.

- (c) **ZAC-99-36 and SAC-99-04 "Scenic Park South", and Official Plan Amendment for lands located south of Chedmac Drive and east of Magnolia Drive (PDC00116) (Item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The proponents were present in favour of the recommendation.

Paul Mallard gave a brief overview of the report. He noted that in order to complete the park the owner will be required to provide 1.8 acres more than that required as a parkland dedication and as such it will be recommended in the Capital budget for 2001.

Neighbours concerns regarding loss of sunlight and privacy have been addressed by the owner by tailoring back the building as it approaches the property limits and as such there is no need to retain the one and a half storey height limitation.

He continued by stating that there are 3 technical amendments being proposed.

In response to a question from Mr. Jim Cakebread of 665 Bendamere Avenue, Mr. Mallard advised that there will be an entrance to the property from Magnolia Drive.

The Committee approved the report of the General Manager, Community Planning and Development Division dated June 6 as amended to incorporate the technical changes.

(d) **ZAR-00-10, 544 Limeridge Road East (PDC00108) (Item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the application. Of 20 notices circulated 1 replied in favour and 1 opposed.

The proponents were present in support of the application.

* Alderman Copps was recorded as opposed to the main motion.

(e) **ZAR-00-14, 81 Christie Street (PDC00114) (Item 2.3)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 43 notices circulated 2 replied in favour and 6 opposed.

The proponents were present in favour of the recommendation.

(f) **ZAR-00-16, 1472 Upper Gage Avenue (PDC00104) (Item 2.4)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 89 notices circulated 5 replied in favour and 0 opposed.

The proponents were present in favour of the recommendation.

(g) **Re-zoning for the South East Corner of Sanatorium Road and Scenic Drive ZAC-00-17 (PDC00105) (Item 2.5)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The proponents were present in favour of the recommendation.

The following submissions were received:

- (i) Mr. and Mrs. Viasticopoulos, 4 Gem Court, Hamilton, L9C 7S4
- (ii) Mr. and Mrs. Gerald Hladun, 103 West 35th Street, Hamilton
- (iii) Shirley Fawcett, Christy Rawson, Ida Smith, 69 West 35th Street, Hamilton, L9C 5K7 (including area residents petition).

Paul Mallard reviewed the report for the Committee. Of 56 notices circulated 4 replied in favour and 12 opposed.

Mr. Mallard added that the proponents have agreed to retain the existing walkway and that the recommendation is permitting the adaptive re-use of the building only. Any extension or addition would require further approval.

Danny Rawson of 148 West 35th Street was present and stated concerns regarding the parking lot, the grounds, the walkway and the severance. He was also concerned with increased traffic and noise.

Bob Donnell of 157 West 35th Street was concerned that the previous nurse's residence housed 140 students and this residence will house 250 students.

Jack Roser of 93 West 35th Street was concerned with the roads and sidewalks not being able to accommodate the added traffic.

Brenda Khes, agent on behalf of the proponent, stated that there will be no changes to the parking lot at this time.

Mr. Jim Campbell of Columbia College advised that the students are generally extremely well behaved as the school is costly and the students must maintain their grades in order to enter university. He added that there is a strict disciplinary system that allows the college to expel them from school and have their student visa revoked. He added that the College is looking to relocate on the escarpment in the future.

Alderman D'Amico stated that is the ward aldermen's intention to hold a neighbourhood meeting on this matter and that therefore the matter should be tabled.

Alderman O'Sullivan concurred.

Alderman Caplan and the Mayor advised that the College has been a good corporate citizen and an asset to the community. They hoped the College would expand in the lower city.

Following discussion the Committee resolved that the report of the General Manager, Community Planning and Development Division dated June 6, 2000 be tabled to the Committee of the Whole meeting of July 4, 2000 for a neighbourhood meeting to take place.

(h) **Residential Care Facilities, Long Term Care Facilities and Correctional Facilities (PDC00102) (item 5.2)**

Joanne Hickey Evans gave the Committee a PowerPoint presentation. She advised that the research is the first phase and the second phase will be a public participation process. She noted an error in the amount of beds referred to for the Kirkendall neighbourhood that should be 22 beds and not 122 beds.

A discussion ensued regarding facilities that are considered office use by the fact that the clients do not sleep there.

A discussion also ensued regarding the large number of legal non-conforming uses.

Following discussion the following recommendation was approved:

- a) That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be received and the staff of the Community Planning and Development Division be directed to hold information meetings with various service providers and interest groups.
- (b) That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be forwarded to the Environmental Services Committee for information.
- (i) **Site Plan Control Application DA-00-07 for the demolition of the former Eaton's store and relocation of the existing Fortino's grocery store at 75 Centennial Parkway North (Eastgate Square) (PDC00115) (Item 5.3)**

Paul Mallard gave a brief overview of the report. He advised that the area residents' concerns regarding traffic, building design, and landscaping have been addressed by the proponents. Truck access will be from Centennial Parkway, The façade will be treated with stucco, and there will be extensive landscaping.

In response to a question from Alderman Copps, Mr. Redmond advised that Fire access is required prior to the issuance of a building permit.

Following discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division dated June 5, 2000 as follows:

That approval be given to Site Plan Control Application DA-00-07, Cadillac Fairview, owner for lands located at 75 Centennial Parkway North (Eastgate Square), to permit the demolition of the former Eaton's store and construction of a new 8,135 m² (87,570 sq.ft.) Fortino's grocery store, as shown on the attached map marked as APPENDIX "H", subject to the following:

- (a) modification to plans in relation to notes and dimensions, as marked in red on the plans;

- (b) submission of a revised landscaping plan to the satisfaction of the Director, Land Development Department;
- (c) submission of a revised grading plan to the satisfaction of the Director, Land Development Department;
- d) that the applicant enter the necessary agreements with the City of Hamilton for the roadway alterations required on Delawana Drive;
- (e) that the applicant dedicate to the City of Hamilton any lands required for road widening purposes of Delawana Drive as a result of the proposed roadway improvements to maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance;
- (f) that the applicant enter into an encroachment agreement with the City of Hamilton for the existing and proposed landscaped berms and trees within the Delawana Drive and Kenora Avenue road allowances;
- (g) that the applicant receive final approval of Committee of Adjustment Application A-00:24 from the Ontario Municipal Board for relief from the provisions of the City of Hamilton Zoning By-law No. 6593, as amended by By-law No. 71-97, or for a Zoning By-law amendment, to permit the construction of the new Fortino's grocery store and the reconfiguration of the parking, driveway and landscaped areas;
- (h) that the applicant pay all costs associated with the removal and replacement of the existing trees within the Delawana Drive road allowance that are to be removed as a result of the roadway alterations and new access driveway, to the satisfaction of Superintendent, Forestry and Project Development, Public Works and Traffic;
- (i) That the applicant close Site Plan Control Application DA-98-44, being the previously approved site plan to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square, and,
- (j) That the Acting Clerk be directed to advise the Ontario Municipal Board as to City Council's decision with respect to Site Plan Control Application DA-00-07.

- * Alderman Copps opposed to the main motion.

(j) **DELEGATION**

Waiving of fees for 73 Garfield Avenue (Item 6)

Sergio Manchia of Planning Initiatives and Anthony DiCenzo, solicitor, were present on behalf of ICON holdings, owner of 73 Garfield Avenue in order to request waiving of fees similar to those under the Open for Business area in the downtown core.

Mr. Manchia stated that the building is an adaptive re-use to 10 Condo loft apartments.

Mr. DiCenzo added that the building requires substantial repair and renovation. The Condo units can only be sold for a price that the market will bear.

Alderman Caplan stated that the Lofts at Dundurn should be given the same consideration if this request is approved.

Lee Ann Coveyduck advised that if the intention is to expand the Open for Business Policy area, An amendment to the Community Improvement Plan will be required and this will take approximately 6 months.

Alderman Eisenberger and the Mayor suggested that this request be approved as an individual case.

Alderman Copps stated that approval of this request will be deemed as bonusing which is illegal.

Alderman Horwath stated that the expansion of the Open for Business area will deteriorate the purpose to which the area was created in the first place, being re-development in the down town core.

Alderman Haining supports the request and stated that the residents support it. He added that fees to be waived amount to \$9,000.

The Committee adjourned into closed session to seek legal advice on this matter and reconvened immediately thereafter with a report.

A motion was placed on the floor to table the matter and was defeated.

A motion to waive the fees for 73 Garfield was placed on the floor and carried on a recorded vote as follows:

Recorded Vote on the main motion:

-

Yeas: Mayor Morrow, Aldermen Corsini, Haining, Eisenberger, Kelly

-5

Nays: Aldermen D'Amico, Copps, Caplan

-3

Carried

-

(k) **OTHER BUSINESS**

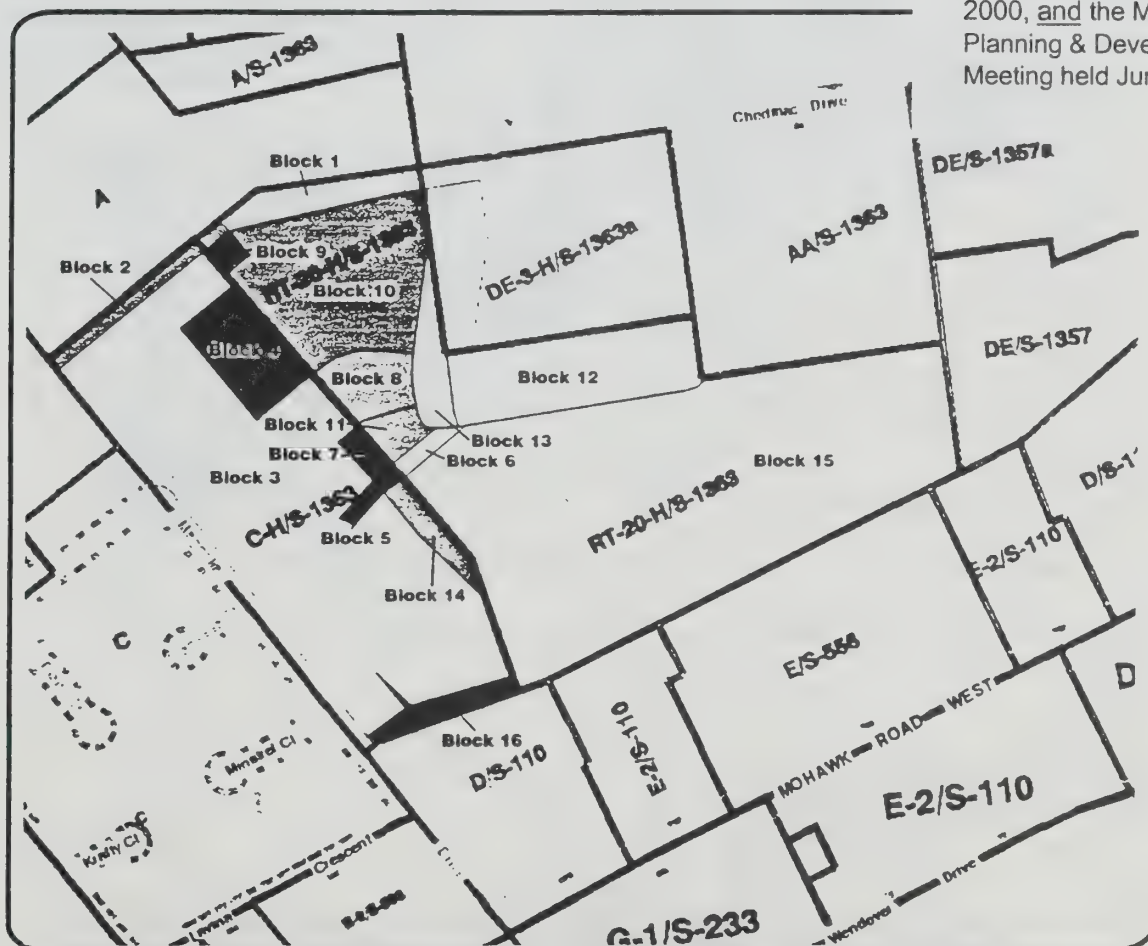
The Mayor requested that Planning Staff draft a proposed program for development of small businesses in the downtown core.

Note: The meeting of the Planning and Development Committee adjourned at 12:25 p.m.

**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
June 21, 2000**

Appendix "A" referred to in Section 1 of Report 12-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held June 21, 2000.



City of Hamilton

Site of the Application

Reference file: SA-99-04/ZA-99-30	Date: May, 2000
Scale: Not to Scale	Technician: D.L.

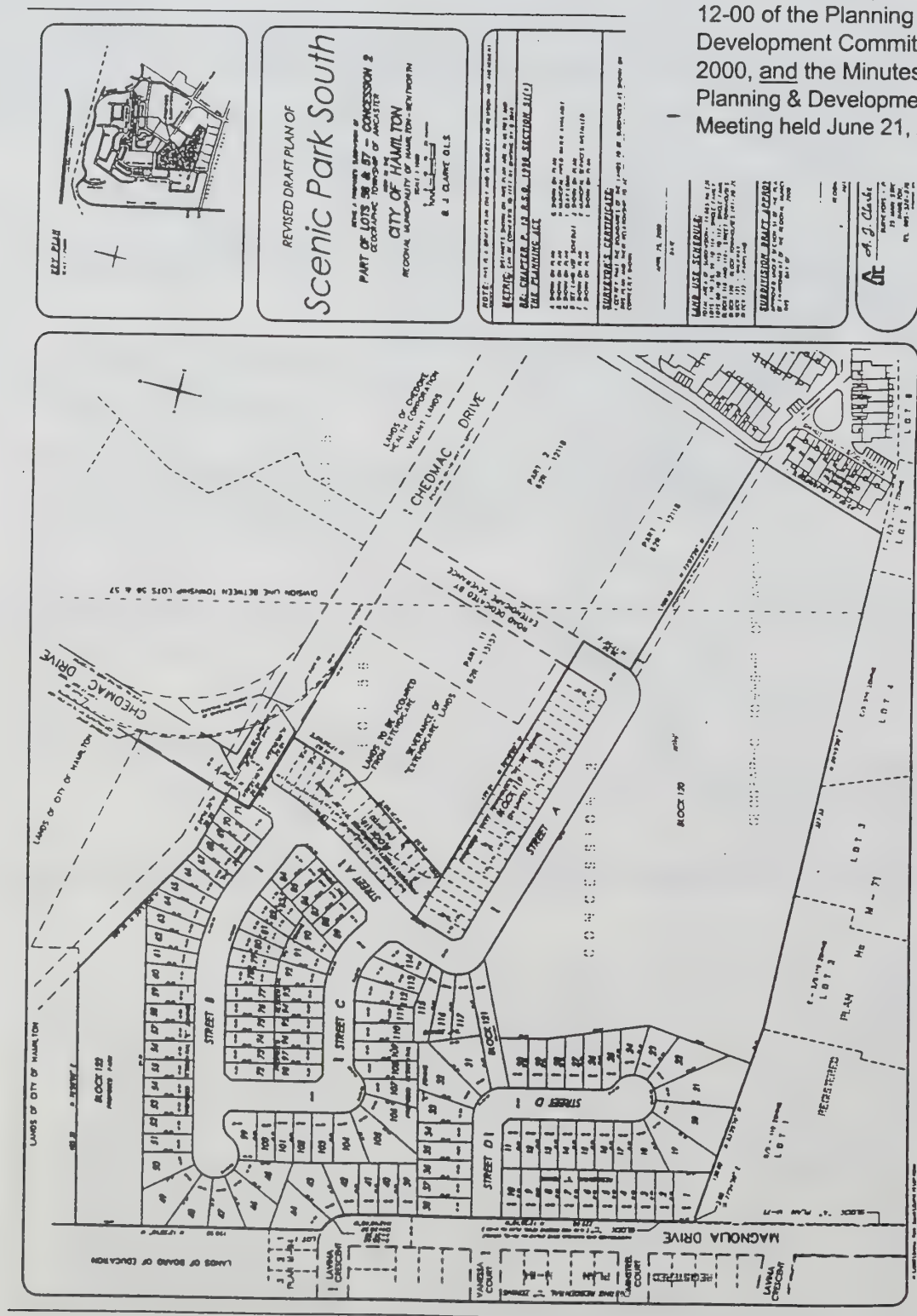
COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Change in zoning from:

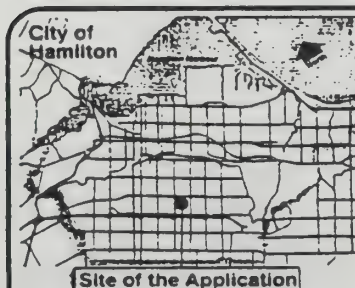
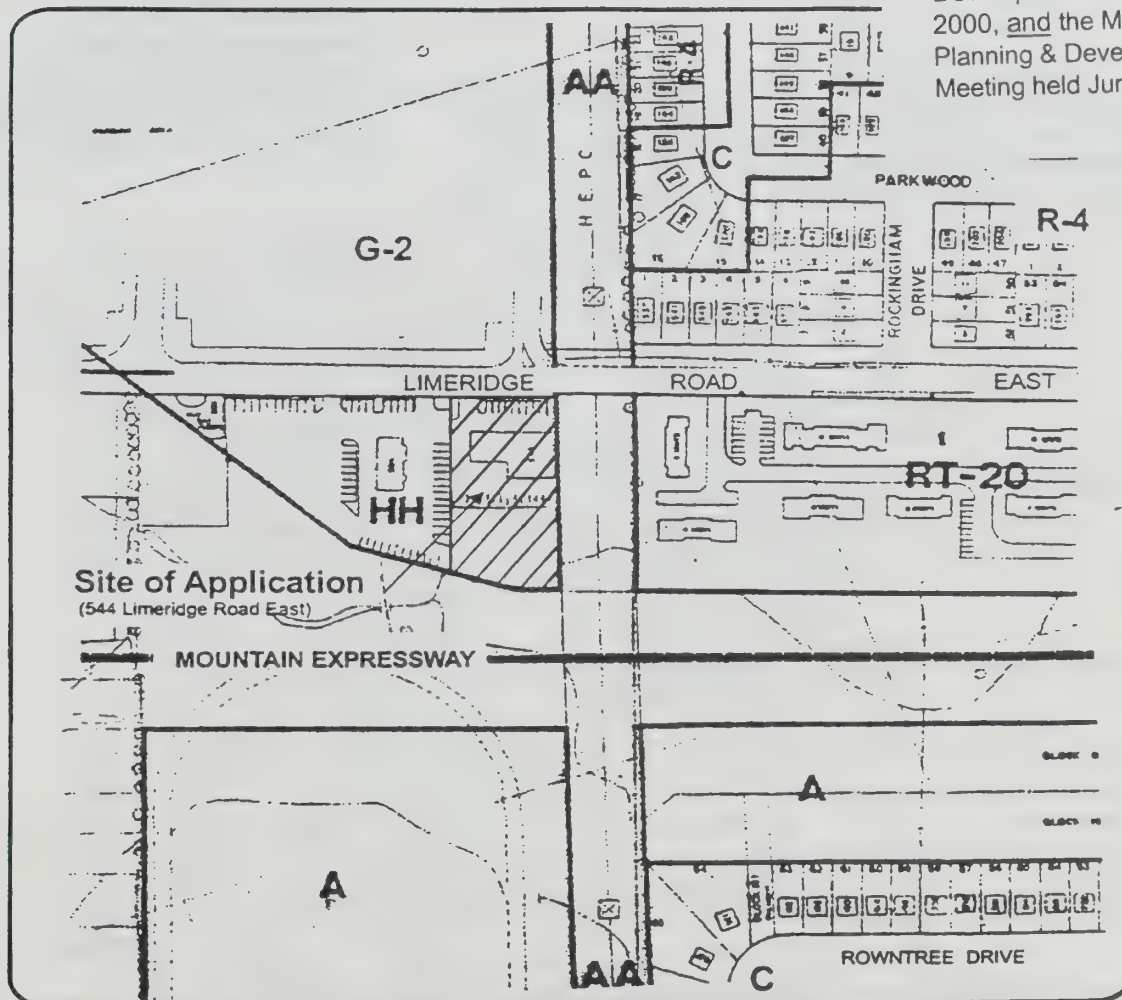
<p>1 "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District</p> <p>2 "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District</p> <p>3 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District</p> <p>4 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District</p> <p>5 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District</p> <p>6 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District</p> <p>7 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District</p> <p>8 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District</p>	<p>9 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District</p> <p>10 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District</p> <p>11 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District</p> <p>12 "DE-3" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District</p> <p>13 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "RT-30" (Street - Townhouse) District</p> <p>14 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "RT-20" (Townhouse - Maisonette) District</p> <p>15 "RT-20" - "H" (Townhouse - Maisonette - Holding) District to "RT-20" (Townhouse - Maisonette) District</p> <p>16 "C" - "H" (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District, mod.</p>
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Appendix "B" referred to
in Section 1 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



APPENDIX "B" (RED-LINE REVISIONS INCORPORATED INTO PLAN)

Appendix "C" referred to
in Section 2 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application
(544 Limeridge Road East)
Modification to the "HH" (Restricted Community
Shopping and Commercial etc.) District.

Reference file:
ZAR-00-10

Scale
Not to Scale

Date

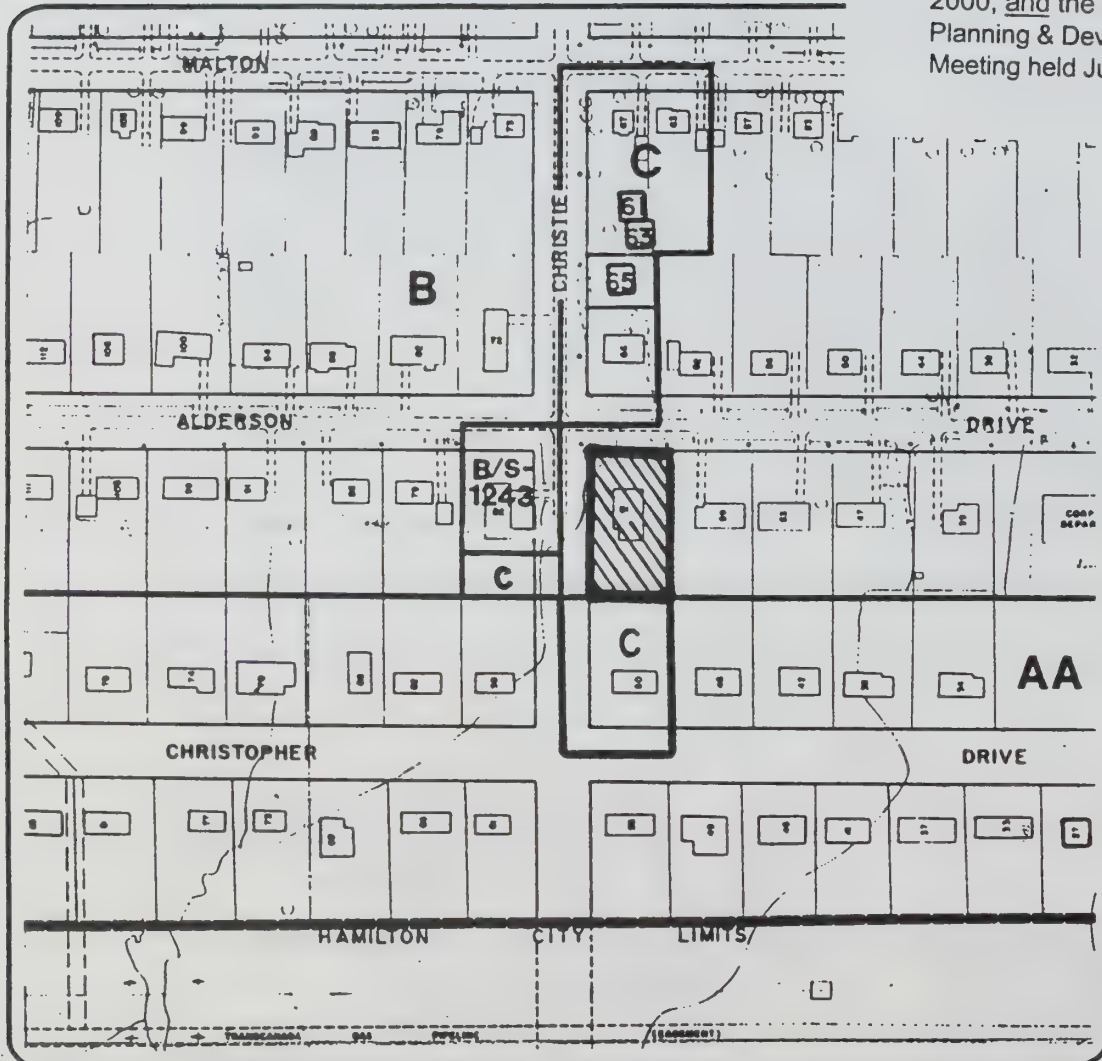
Mar. 2000

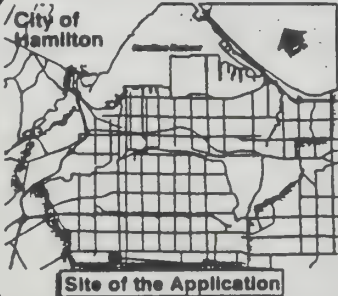

Technician:

JS

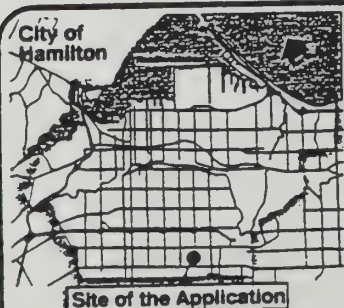
APPENDIX 'A'

Appendix "D" referred to
in Section 3 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



 <p>City of Hamilton</p> <p>Site of the Application</p>	<p>COMMUNITY PLANNING AND DEVELOPMENT DIVISION</p> <h2 style="margin: 0;">Location Map</h2>	
	<p>Change in Zoning from:</p>	
		<p>"B" (Suburban Agricultural & Residential etc.) District to "C" (Urban Protected Residential etc.) District</p>
	<p>Reference No: ZAR-00-14</p>	
	<p>Scale Not to Scale</p>	
<p>Date May 2000</p>		
<p>Technician: S.B.</p>		
<p>APPENDIX "A"</p>		

Appendix "E" referred to
in Section 4 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application.
(1472 Upper Gage Ave.)
Change in zoning from "AA" (Agricultural)
to "R-4" (Small lot Residential etc.) District.

Reference file:
ZAR-00-16

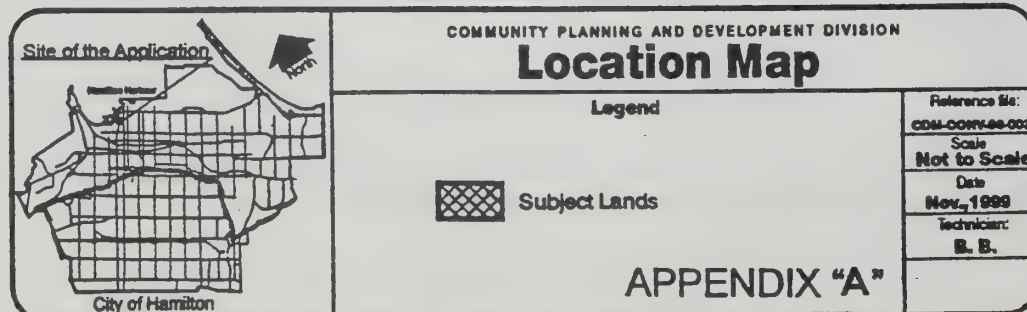
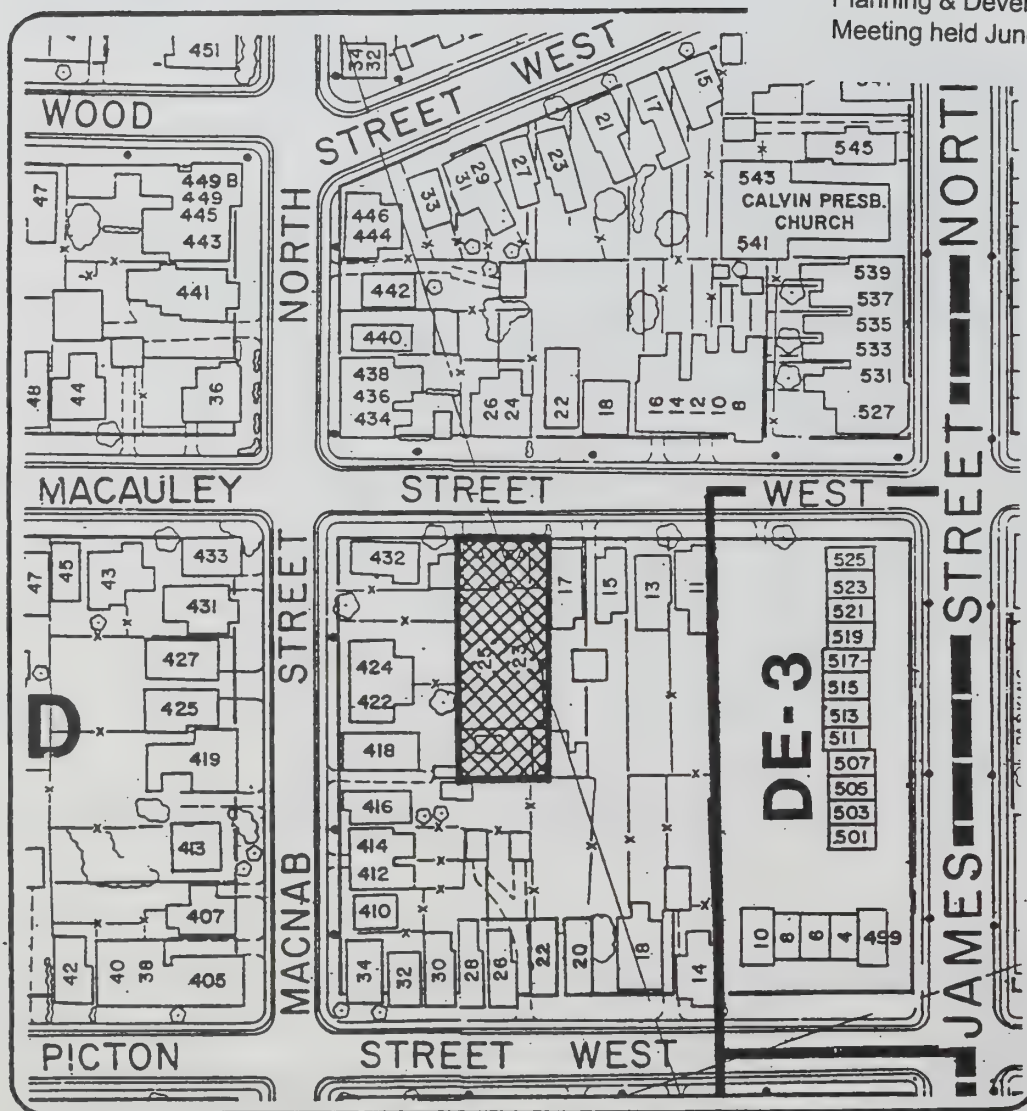
Scale
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Date
May, 2000

Technician:
JS

APPENDIX 'A'

Appendix "F" referred to
in Section 9 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



Appendix "G" referred to
in Section 12 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.

TAX INCENTIVE PROGRAM FOR DESIGNATED COMMERCIAL/INDUSTRIAL BUILDINGS IN HANMILTON'S DOWNTOWN

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial/industrial buildings located within area bounded by Queen Street, The Harbour, Victoria Avenue and the Escarpment, which are designated under the Ontario Heritage Act. The Program establishes a ten-year rebate on the increased realty taxes related to the City and the Regional portion of the increase. This increased property assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

- The building must be designated under the Ontario Heritage Act, and has a present or former use as a commercial or industrial building;
- The building must be located within the boundaries of Queen Street, the Harbour, Victoria Avenue and the Escarpment;
- Application for this tax incentive will only be accepted after final approval of this program; and,
- If new construction is added to the historic building as part of the total project, the tax rebate will only apply to the original size of the designated heritage building.

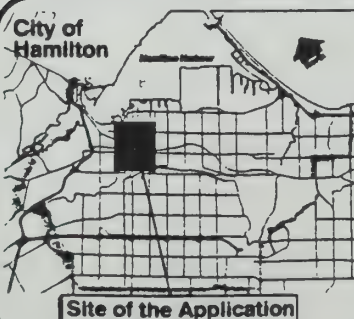
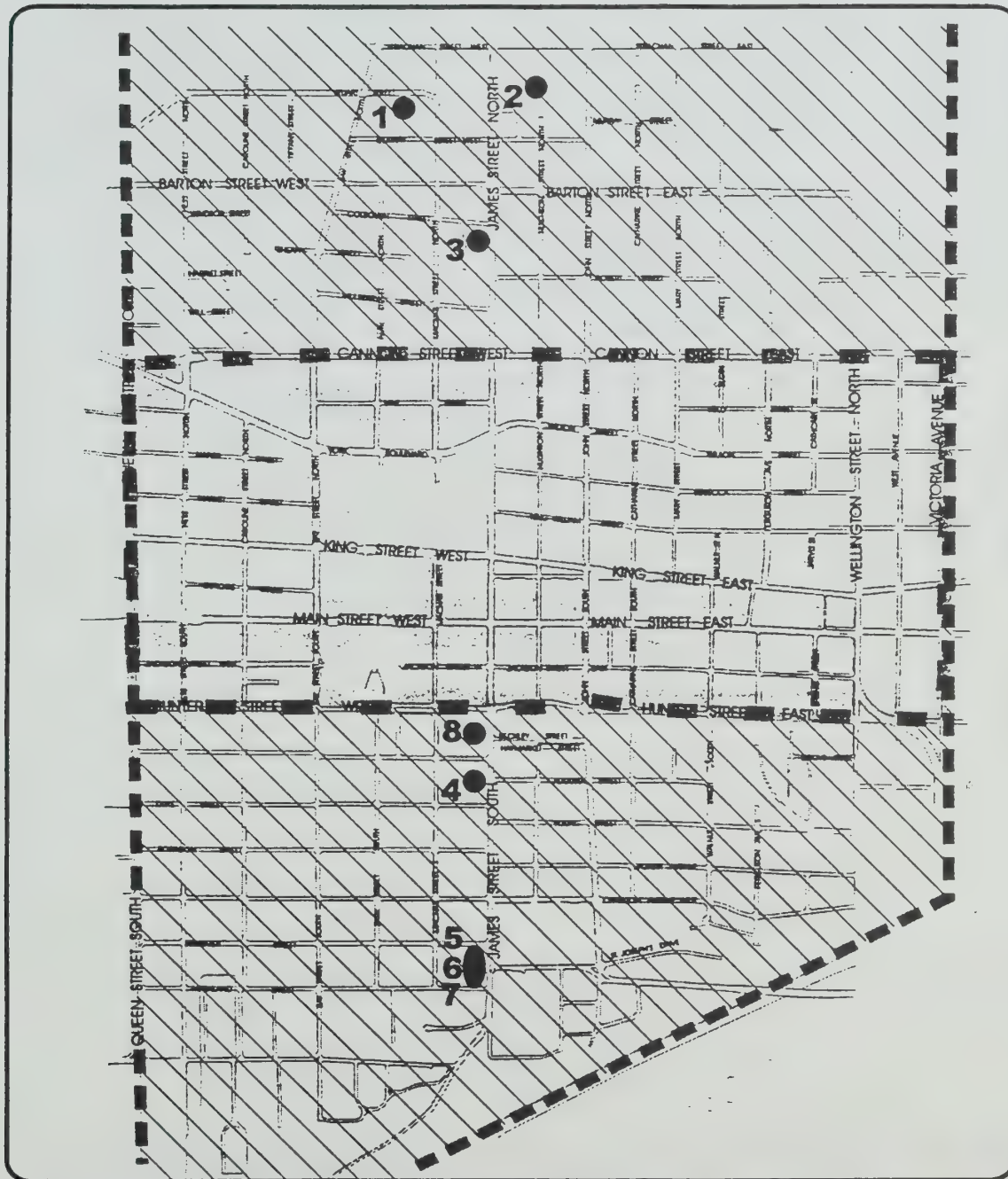
Requirements:

- The building would have to be renovated in such a way that would complement the Reasons for Designation, and that a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;
- The property must be insured at replacement value;
- The property shall not be in property tax arrears;
- The total amount of tax benefit is not to exceed the cost of the work done; rebates will cease when the amount equals the value of the work done; and
- The property owner may apply for the Tax Incentive Program at the time a Building Permit is applied for and will sign a Tax Incentive agreement with the City when the impact of the construction to the tax roll is available to the City.

City Council – June 27, 2000

Conditions:

- Only the City and Regional portion of the property tax increase is eligible; the percentage of the property taxes paid for education is not eligible.
- If a building is sold within this ten-year period, the tax incentive will continue with the new owner after the sale of the building.
- The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said ten-year period.
- The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the rebates, which had been determined for their properties.
- Each rebate application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.
- The property tax assessment at the time of application will be used to determine the pre-renovation tax. The amount of the property's assessment will be determined by the yearly mill rate.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION



Tax Incentive Program
currently available
within the boundaries
of the Hamilton
Downtown Community
Improvement Area for
Designated
commercial/industrial
buildings



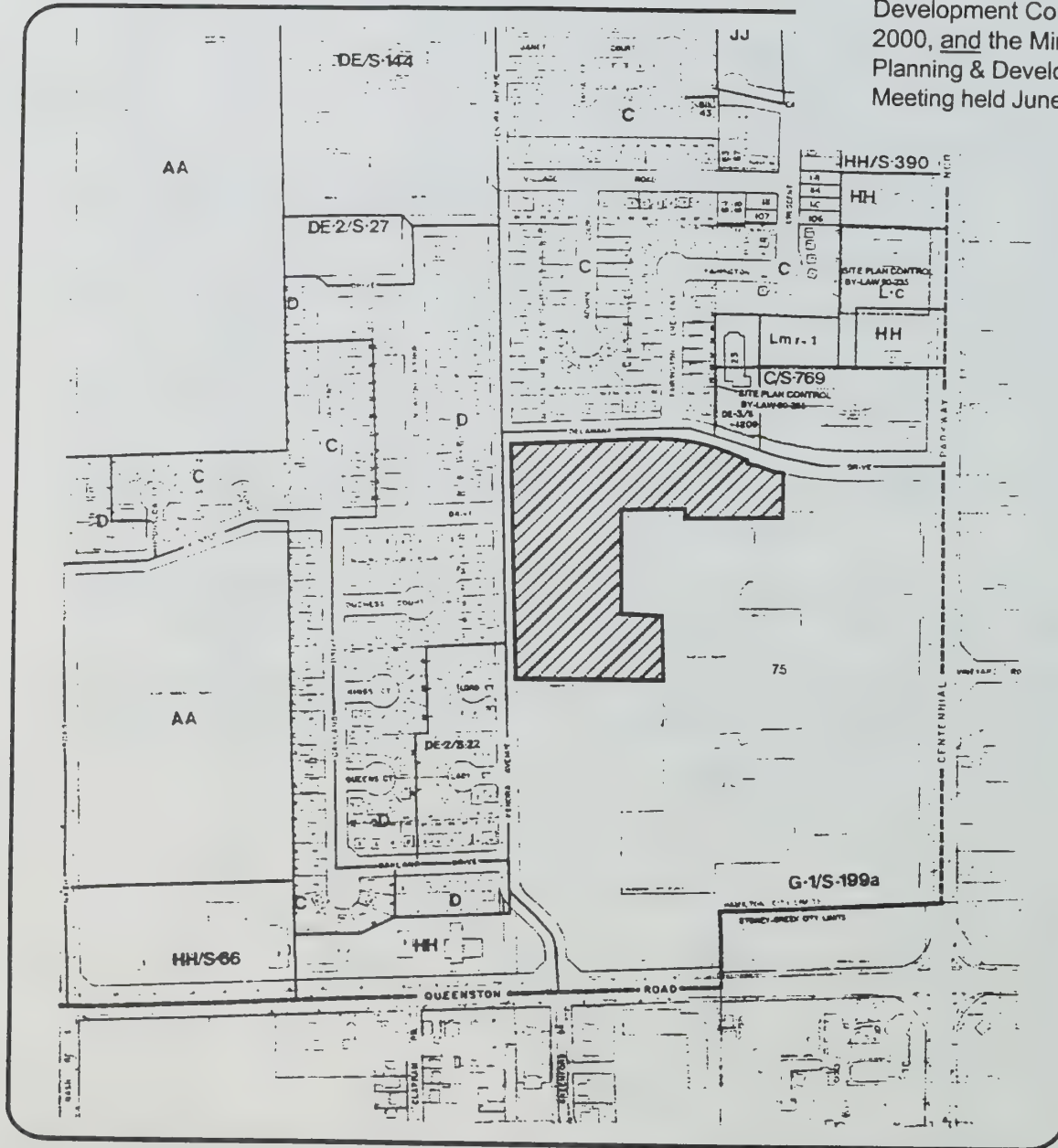
**Proposed Expansion of
Tax Incentive Program:**

- 1 Custom House - 51 Stuart Street
- 2 CN Station - 360 James Street North
- 3 255-265 James Street North
- 4 158 James Street South
- 5 252 James Street South
- 6 262 James Street South
- 7 268 James Street South
- 8 124 MacNab Street South



Scale
Not to Scale
Date
May 2000
Technician:
R.L.
Key Map

Appendix "H" referred to in Section (i) of Report 12-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held June 21, 2000.



<p>Site of the Application</p> <p>City of Hamilton</p>	<p>COMMUNITY PLANNING AND DEVELOPMENT DIVISION</p> <h2 style="margin: 0;">Location Map</h2> <p>Legend</p> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <p>Site of the Application</p> </div>		<p>Reference file: DA-00-07</p> <p>Scale Not to Scale</p> <p>Date Mar., 2000</p> <p>Technician: B. B.</p>
			<p>APPENDIX 'A'</p>

FINANCE & ADMINISTRATION
COMMITTEE



REPORT

CITY OF HAMILTON FINANCE AND ADMINISTRATION COMMITTEE

Tuesday, June 6, 2000

9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present:	City Finance and Administration Committee Alderman D. Wilson (Chairman), Alderman D. O'Sullivan (Vice-Chairman), Mayor R. Morrow Aldermen A. Horwath, D. Haining, C. Collins, B. Charters, B. Kelly
Regrets:	Alderman M. Caplan, Regional Business Region Finance and Administrative Services Committee Councillor B. Charters, (Chairman), Councillor G. Etherington, (Vice-Chairman), Councillors D. O'Sullivan, A. Sloat, B. Kelly, A. Bain, D. Wilson, M. Kiss
Regrets:	Councillor F. D'Amico – Regional Business Councillor R. Powers - illness Councillor M. Caplan - Regional Business
Also present:	Councillors R. Corsini, F. Eisenberger, J. Bruzzese, A. Ross, L. Bourns, R. Fair, B. Desnoyers, R. Nutley, Fire Chief Peace, N. Catalano, T. Bradbury, J. Weatherhead, B. McMullin, L. Coveyduck, Police Chief Robertson, E. Holt, S. K. Reeder

Alderman D. Wilson, Chairman called the meeting to order.

THE FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 13-00 AND RESPECTFULLY RECOMMENDS:

1. **Hamilton Downtown Partnership (Item 9)**
 - (a) That the document presented by the Hamilton Downtown Partnership to the Finance and Administration Committees, which contains a revised mandate, and is herewith attached and marked Appendix "A", be endorsed; and,

- (b) That a more open dialogue between the Hamilton Downtown Partnership and the City of Hamilton/Region of Hamilton-Wentworth be maintained by having quarterly meetings between the City and Region Finance and Administration Committees and the Hamilton Downtown Partnership; and,
- (c) That in keeping with the recently approved Policy for Funding of Non-Profit Agencies, that the Year 4 and 5 Hamilton Downtown Partnership Budgets be referred to the Transition Board for inclusion in the future Operating Budgets.

2. City Budget Variance to April 30, 2000 (FIN00069) (Item 10)

- (a) That the costs of demolishing the Fernleigh Lawnbowling Club (estimated at \$20,000) be funded from the Property Purchases Reserve (COHAM 100035); and,
- (b) That any proceeds from the sale of the surplus lands of the Fernleigh Lawnbowling Club be credited to the Property Purchases Reserve (COHAM 100035); and,
- (c) That this report be forwarded to the Transition Board for approval.

3. Underground Parking Garage – Lighting Retrofit (FAC00002) (Item 16)

- (a) That the staff of the Facilities Management Department be authorized to proceed with the retrofit of the lighting system within the Underground Parking Garage in an amount not to exceed \$175,000; and,
- (b) That the retrofit project be funded from the Enterprise Fund Account and repaid over a period not to exceed five (5) years from the operating savings realized from the reduced energy consumption; and,
- (c) That this matter be referred to the Transition Board for approval.

4. Sale of Alleyway between Glenfern Avenue and Amelia Street, Parts 7, 9 and Part of Part 6, Plan 62R-14134 (CS00022) (Item 17)

- (a) That an Offer to Purchase (Highway Closure) duly executed by The Wright-Williams Realty Co. Limited on May 14, 1999 and scheduled to close on June 29, 2000, for a portion of the alleyway between Glenfern Ave. and Amelia Street being Parts 7, 9 and the easterly half of Part 6, Plan 62R-14134, be approved and completed as the requirements in the

Municipal Act pursuant to the City's Real Property Sales Procedural By-Law No. 95-049 have been fulfilled by the City, and By-Law No. 99-080, to stop-up, close and sell said alleyway was passed on June 29, 1999 and registered in the Land Registry Office as instrument LT560115 on July 8, 1999, and funds derived from the sale of \$2.00 be credited to Account Centre 47702-100035 (Reserve for Property Purchases – Sales); and,

- (b) That the Mayor and Acting Municipal Clerk be authorized and directed to execute the necessary documents; and,
- (c) That in accordance with Real Property Sales Procedural By-Law No. 95-049,
 - (i) satisfactory notice has been given to the public of the intended sale by Notices that were published in the Spectator for four (4) consecutive weeks pursuant to Section 300 of the Municipal Act (the highway sale provisions); and,
 - (ii) property sales/dispositions of Highways (Alleyways) are exempt from the requirement of an appraisal of fair market value; and,
 - (iii) The Acting Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act.

5. **Declaration of Surplus Lands - Hamilton Beach (CS00024) (Item 18)**

- (a) That the following properties be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-Law No. 95-049:

<u>Item No.</u>	<u>Municipal #</u>	<u>Street Name</u>	<u>Approximate Size In Feet</u>
1.	1057	Beach Blvd.	56.5 x 126
2.	1052	Beach Blvd.	72 x 160
3.	1038	Beach Blvd.	60 x 134
4.	1026	Beach Blvd.	177 x 130
5.	991	Beach Blvd.	103 x 137
6.	990	Beach Blvd.	108 x 140
7.	964-978	Beach Blvd.	246 x irregular
8.	951	Beach Blvd.	54 x 146
9.	930-940	Beach Blvd.	121 x irregular
10.	920	Beach Blvd.	172 x 193
11.	883	Beach Blvd.	53 x 96

12.	856 (860 – 950)	Beach Blvd.	183 x 195
13.	1	Fifth Avenue	38 x 97
14.	4	Fifth Avenue	43 x 98
15.	789	Beach Blvd.	31 x 147
16.	320	Beach Blvd.	49 x 142
17.	3	Locarno Drive	105 x 139
18.	12	Locarno Drive	42 x 80
19.	776	Beach Blvd.	30 x 184
20.	73	Beach Blvd.	32 x 42
21.	163	Beach Blvd.	25 x 102
22.	165	Beach Blvd.	25 x 102
23.	287	Beach Blvd.	28 x 238
24.	3	Wark Avenue	22 x 78
25.	4	Wark Avenue	33 x 70
26.	4	Lakeside Avenue	32 x 94
27.	8	Lakeside Avenue	33 x 94
28.	3	Lakeside Avenue	32 x 94
29.	493	Beach Blvd.	25 x 94
30.	3	Dexter Avenue	70 x 67
31.	5	Dexter Avenue	33 x 67
32.	5	Wickham Avenue	40 x 84.3
33.	5	Knapmans Drive	50 x 86
34.	7	Knapmans Drive	50 x 82
35.	2	Windermere Ave.	38.5 x 62.4
36.	6	Windermere Ave.	39.5 x 64
37.	15	Windermere Ave.	79 x 75
38.	858 (rear)	Beach Blvd.	Irregular
39.	860 (rear)	Beach Blvd.	Irregular
40.	854 (rear)	Beach Blvd.	Irregular
41.	852 (rear)	Beach Blvd.	Irregular
42.	850 (rear)	Beach Blvd.	Irregular
43.	843 (rear)	Beach Blvd.	Irregular
44.	845 (rear)	Beach Blvd.	Irregular
45.	841 (rear)	Beach Blvd.	Irregular
46.	826 (rear)	Beach Blvd.	Irregular
47.	5 (rear)	Locarno Avenue	Irregular
48.	1044 (rear)	Beach Blvd.	Irregular
49.	1145	Beach Blvd.	166 x 116
50.	1111	Beach Blvd.	49.5 x 118
51.	717	Beach Blvd.	30 x 184
52.	536	Beach Blvd.	35 x 120
53.	328	Beach Blvd.	126 x 329
54.	258	Beach Blvd.	105 x 259
55.	526	Beach Blvd.	40 x 355
56.	512	Beach Blvd.	70 x 140
57.	496	Beach Blvd.	100 x 250

58.	486	Beach Blvd.	50 x 190
59.	456	Beach Blvd.	114 x 374
60.	417	Beach Blvd.	103 x 213
61.	422	Beach Blvd.	102 x 382.7
62.	358	Beach Blvd.	50 x 334
63.	483	Beach Blvd.	25 x 114
64.	312	Beach Blvd.	100 x 279
65.	984	Beach Blvd.	60 x 193
66.	809	Beach Blvd.	49 x 142
67.	640	Beach Blvd.	50 x 100
68.	377	Beach Blvd.	94 x 92

- (b) That Real Estate, Legal Services Section be authorized and directed to sell the properties in accordance with the Real Property Sales Procedural By-law 95-049.

6. **Funding of Conference Attendance - Committee of Adjustment (FIN0062)**
(Item 19)

That as referred to in Section 5 of the Planning and Development Committee Report 08-00 approved by City Council on April 11, 2000, the cost for attendance by Committee of Adjustment citizen members at the Year 2000 Committee of Adjustment Conference be charged to the Unclassified Account (COHAM 211115).

7. **Funding Source for Canadian Open Wheelchair Tennis Championships - Rosedale Tennis Club, June 21 - June 25, 2000 (FIN00060)** (Item 20)

That as referred to in Section 10 of Report 05-00 of the Parks and Recreation Committee approved by City Council on March 14, 2000 that one time funding of \$9,000 be allocated from the Hosting of Conferences with Municipal Subject Content Reserve (COHAM 104030) to the Ontario Wheelchair Sports Association to assist with the costs of hosting the Canadian Open Wheelchair Tennis Championships being held June 21 - 25, 2000 in Hamilton and surrounding area.

8. **Policy Respecting Use of Cell Phones in Meetings** (Item 21)

- (a) That the Corporate Policy Manual be amended to include the following restriction respecting the use of cell phones and pagers during all Council and Standing Committee meetings:

"In order to maintain the focus of Council and Committee meetings, all cellular telephones and pagers are to be switched to a non-audible function during these meetings."

- (b) That this restriction appear on all future Council and Standing Committee Agendas and be appropriately displayed at the entrance of the Council Chambers and Committee meeting rooms.

9. **City of Hamilton 1999 Distribution of Year-End Operating Surplus (FIN 00070) (Item 22)**

- (a) That the 1999 surplus in Community Reinvestment Funding of \$57,000 be transferred to the Reserve for Tax Stabilization (COHAM 104055); and,
- (b) That the amount of \$50,000 be transferred from the current budget surplus to the Reserve for the Hosting of Special Dignitaries (COHAM 104035); and,
- (c) That the remaining current budget surplus, estimated to be \$612,000 be transferred to the Reserve for Tax Stabilization (COHAM 104055); and,
- (d) That this report be forwarded to the Transition Board for approval.

FOR THE INFORMATION OF CITY COUNCIL:

(a) **Declarations of Interest (Item 1)**

None declared.

(b) **Adoption of Minutes – May 2, 2000 (Item 8)**

The Minutes of the meeting of the Joint Meeting session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee held on Tuesday, May 2, 2000, were adopted.

(c) **Presentation – Hamilton Downtown Partnership (Item 9)**

The Committee received a presentation from Al Peckham, spokesperson for the Hamilton Downtown Partnership

(d) **Information Items Listing (Item 11)**

The Committee approved the receipt of the following Information Item:

- (i) Information Report – General Manager, Finance – Finance Department Staff Relocations (FIN00066)

(e) **In Camera Agenda – Personnel matter (Item 13.1)**

The Committee approved the following resolution and agreed that it be presented to a special meeting of City Council being held on Tuesday, June 6, 2000 for approval:

Non-Union Salary Adjustment (HUR0004) (Item 13.1)

- (a) That the Non-Union salary grid for all City and Regional exempt staff be increased by 1.5% effective April 1, 2000; and,
- (b) That this recommendation will require Transition Board approval.

(f) **General Manager, Community Services – Tiered Response (Item 15)**

The Committee received presentations from the Hamilton Firefighters Association, the General Manager of Community Services and the Police Chief respecting Tiered Response.

The Fire Chief advised the Committee that he will be inviting representatives from the Firefighters Association to participate on the Tiered Response Committee and the Ambulance Committee.

(g) **Requested Report Back – Acting City Manager – Comparison of fees and charges for Special Events Operations (Item 23)**

The Committee received for information, the above-noted document.

(h) **Requested Report Back – General Manager, Community Services – Lakeland Pool (Item 24)**

The Committee received the above-noted information report and forwarded the following resolution to a special meeting of City Council on June 6, 2000 for consideration:

Lakeland Pool (CSC00096)(Item 24)

- (a) That City Council approve a grant in the amount of \$20,000 to the Lakeland Family Pool Association for the purpose of operating the Lakeland Pool for the 2000 summer season only; and,
- (b) That the grant be subject to the operators receiving all necessary approvals from the Department of Public Health; and,
- (c) That the grant be subject to the operators providing proof of insurance satisfactory to the City Solicitor; and,
- (d) That the grant in the amount of \$20,000 to Lakeland Pool be funded from the Reserve for Contingency (COHAM 104015); and,
- (e) That this recommendation be forwarded to the Transition Board for their approval.

(i) **Added – Information Report – General Manager, Finance – Provincially Mandated Taxation Inserts (FIN00071)**

The Committee received the above-noted information report.

Note: The meeting of the Joint Meeting Session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee adjourned at 11:00 a.m.

**Alderman D. Wilson, Chairman
City Finance and Administration Committee**

**Susan K. Reeder,
Acting Manager of Legislative Services/Records
June 6, 2000**

Appendix "A" as referred to
Section 1 of Report 13-00 of
the Finance and Administration
Committee

HAMILTON DOWNTOWN PARTNERSHIP

Board Membership

Board of Directors

- Ms. Monique Arbour, Mohawk College
- Ms. Denise Arsenault, Hamilton Health Sciences Corporation
- Mr. Tom Atterton, Hamilton & District Labour Council
- Regional Chair Terry Cooke, The Reg'l Mun. of H-W
- Mr. Jose Geada, Hamilton-Halton Home Builders' Assoc.
- Councillor Andrea Horwath, City of Hamilton
- Mr. Bob Jones, Stelco
- Ms. Helen Kirkpatrick, Central Neighbourhood Assoc.
- Mayor Bob Morrow, City of Hamilton
- Mr. Al Peckham, Royal Bank
- Mr. Don Pether, Dofasco

Honourary Directors

- Ms. Shelley Rempel, Housing Help Centre
- Chief Ken Robertson, H-W Reg'l Police
- Ms. Gil Simmons, Bay Area Restoration Council
- Mr. Gord Thompson, Thompson Pawn Brokers / International Village BIA
- Mr. Roger Trull, McMaster University
- Ms. Kathy Wiegand, Aragon Development Corp. / Hamilton Downtown BIA
- Mr. Jim Alfano, Stelco
- Dr. Peter George, McMaster University
- Mr. Wayne Marston, Ham. & Dist. Labour Council
- Mr. John Mayberry, Dofasco
- Ms. Catherine Rellinger, Mohawk College

FOUNDATION

Background - Appendix "A"

- Public Process (300 participants)
- Independent Non-Profit Corporation
- Mission
- Vision (1)
- Goals (7)
- Implementation Strategies (39)

ANALYSIS

Issues - Appendix "R"

- Mission lacked “clarity”, “valued added” direction, and allows for “gap” in expectations
- Operational linkages are disconnected
- Partnership with business, community, government – facilitate, advocate, and promote
- By design is positioned to “get things done” without “getting the credit” – not a developer or development agency

RE-EVALUATION

Mandate - Pages 1-2

- Converted long-term mission to short-term mandate:

- Promote Downtown Hamilton.
- Advocate and be a catalyst for changes to policy and regulatory adherence.
- Facilitate the affective and timely implementation of the approach, process and philosophy of the Downtown Secondary Plan.

- Need: Support by City & Regional Council

RE-EVALUATION

Organizational Structure / Operation - Page 2

- No organizational change
- Need: Improved operational linkages with
 - Existing Community Groups
 - Bureaucratic System (Planning / Economic Development)
 - Elected Representatives



REPORT

CITY OF HAMILTON FINANCE AND ADMINISTRATION COMMITTEE

Tuesday, June 20, 2000
9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present:**City Finance and Administration Committee**

Alderman D. Wilson (Chairman), Alderman D. O'Sullivan (Vice-Chairman), Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, D. Haining, C. Collins, B. Charters, B. Kelly

Region Finance and Administrative Services Committee

Councillor B. Charters, (Chairman), Councillor G. Etherington (Vice-Chairman), Councillors D. Wilson, D. O'Sullivan, R. Powers, M. Kiss, M. Caplan, A. Sloat, F. D'Amico, B. Kelly, A. Bain
Regional Chairman T. Cooke

Also present:

J. Bruzzese, A. Ross, T. Bradbury, E. Chayka, J. Weatherhead, B. McMullin, J. Spiler, Fire Chief G. Peace, Deputy Fire Chief K. Knoflook, Deputy Fire Chief J. Kay, R. Fair, S. Reeder

Councillor B. Charters, Chairman called the meeting to order.

**THE FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 14-00
AND RESPECTFULLY RECOMMENDS:**

1. **Tax Applications processed under Section 443, Subsection (5) of The Municipal Act, Chapter 45, Statutes of Ontario, 1990 (FIN00065) (Item 9)**
 - (a) That realty and business tax applications processed under Section 443, of The Municipal Act, Chapter 45, Statutes of Ontario, 1990 in the amount of \$27,480.33 be approved and charged to COHAM 52108 211025 Tax Remissions; and,
 - (b) That this request be forwarded to the Transition Board for approval.

2. **Authorization to Enter into an Extension Agreement on a Specific Property for the Payment of Realty Tax Arrears (FIN00074) (Item 10)**
 - (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of 769 Mohawk Road East to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994; and,
 - (b) That the by-law to authorize the said Extension Agreement be enacted by City Council; and,
 - (c) That the Mayor and Acting Municipal Clerk be authorized to execute the aforesaid by-law and extension agreement.

3. **City of Hamilton Compliance Requirements for Year 2000 Community Reinvestment Funding (FIN00078) (New Business #1)**
 - (a) That the City of Hamilton confirm the use of the 2000 Community Reinvestment Funding allocation as described in the Schedule 1 attached herewith and marked, Appendix "A"; and,
 - (b) That the City of Hamilton comply with the request of the Ministers of Finance and Municipal Affairs and Housing and submit to the Province an electronic copy of a forecast of the 2000 continuity of reserves and reserve fund schedule FIR Schedule 10 attached herewith and marked Appendix "B"; and,
 - (c) That the City of Hamilton comply with the request of the Ministers of Finance and Municipal Affairs and Housing and submit to the Province an electronic copy of a forecast of the Year 2000 Capital Fund Operations FIR Schedule 5 attached herewith and marked Appendix "C".

4. **Fire Negotiations (C00700)(Item 12.1)**
 - (a) That additional costs for professional services rendered in relation to the City's application to the Ontario Labour Relations Board (OLRB) for the designation of positions as "excluded management" pursuant to the provisions of the Fire Prevention Act, in an amount not to exceed \$70,000 be funded as follows:
 - (i) Firstly, from surplus in the Human Resources budget;
 - (ii) Secondly, from overall corporate surplus;

(iii) Lastly, from the Reserve for Tax Stabilization (COHAM 104055);
and,

(b) That this request for additional funding be forwarded to the Transition Board for consideration.

5. Hosting of Dinner for dignitaries attending the International Children's Games being held in Hamilton July 1-7, 2000 (New Business #2)

(a) That approval be given to host a dinner for dignitaries attending the International Children's Games being held in Hamilton on July 1-7, 2000 at an amount of \$6,000.; and,

(b) That funding for this amount be charged to the Unclassified account COHAM 211115.

6. Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) D-026 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears

(b) D-027 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

FOR THE INFORMATION OF CITY COUNCIL:

(a) Declarations of Interest (Item 1)

None declared.

(b) Presentation – Fire Chief - To the present and past Chairmen of the Finance and Administration Committee (Item 8)

Fire Chief Peace, Deputy Chief Knoflook and Deputy Chief Kay presented a golden helmet to former Alderman Don Ross, Alderman B. Charters and Alderman D. Wilson as appreciation for their past and present Chairmanship of the Finance and Administration Committee.

(c) Information Items Listing (Item 11)

The Committee approved the receipt of the following Information Item:

- 11.1 Information Report – General Manager, Community Services Division –
Purchase of Engine Exhaust Extraction Equipment – Adjustment to Value
of Purchase Order to include Provision for PST (CSC00095)

Note: The meeting of the Joint Meeting Session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee adjourned at 10:15 a.m.

**Alderman D. Wilson, Chairman
City Finance and Administration Committee**

**Susan K. Reeder,
Acting Manager of Legislative Services/Records
June 20, 2000**

Appendix "A" as referred
To in Section 3 of Report
14-00 of the City Finance
and Administration
Committee

Schedule 1

City of Hamilton
Year 2000 Budget

Expenditures	\$192,646,630
Revenues before Community Reinvestment Funding	(<u>82,246,190</u>)
Net Levy before Community Reinvestment Funding	\$110,400,440
Community Reinvestment Funding	(<u>2,977,000</u>) *
Net Levy after Community Reinvestment Funding	<u>\$107,423,440</u>

*The Year 2000 CRF allocation is \$3,182,000. This amount includes \$148,000 which belongs to the Region of Hamilton-Wentworth as it relates to Violence Against Women shelters which are a Regional responsibility. In addition, the budget reflects the 1998 level of funding or \$57,000 less than the actual allocation. This \$57,000 has been identified to City Council as a surplus for the Year 2000 and will be transferred to the Reserve for Tax Stabilization at the end of the year.

Finance and Administration Committee

- 6 -

Report 14-00

CONTINUITY OF RESERVES AND RESERVE FUNDS (FORECAST)

Municipality

Hamilton C

10

15

for the year ended December 31, 2000

Appendix "B" as referred
To in Section 3 of Report
14-00 of the City Finance
and Administration Committee

	1	\$
Balance at the beginning of the year	1	81,060,105
Revenues		
Contributions from revenue fund	2	11,383,150
Contributions from capital fund	3	
Development Charges Act	67	1,000,000
Lot levies and subdivider contributions	60	
Recreational land (the Planning Act)	61	
Investment income - from own funds	5	
- other	6	3,000,000
--	9	
--	10	
--	11	
--	12	
Total revenue	13	15,383,150
Expenditures		
Transferred to capital fund	14	5,557,000
Transferred to revenue fund	15	1,349,280
Charges for long term liabilities-principal and interest	16	
--	63	
--	20	
--	21	
Total expenditure	22	6,906,280
Balance at the end of the year for:		
Reserves	23	60,536,975
Reserve Funds	24	29,000,000
Total	25	89,536,975
Analysed as follows:		
Reserves and discretionary reserve funds:		
Working funds	26	31,475,651
Contingencies	27	231,943
Ontario Clean Water Agency funds for renewals, etc.		
-sewer	28	
-water	29	
Replacement of equipment	30	7,255,745
Sick leave	31	5,870,495
Insurance	32	1,684,674
Workers' compensation	33	11,361,450
Capital expenditure-general administration	34	1,737,833
-roads	35	
-sanitary and storm sewers	36	
-parks and recreation	64	
-library	65	
-other cultural	66	72,193
-water	38	
-transit	39	
-housing	40	3,538,284
-industrial development	41	1,226,138
-other and unspecified	42	8,577,495
Waterworks current purposes	49	
Transit current purposes	50	
Library current purposes	51	3,266,045
Vehicle/Equipment	52	741,997
--	53	
--	54	
Obligatory reserve funds:		
Development Charges Act	68	6,182,582
Lot levies and subdivider contributions	44	
Recreational land (the Planning Act)	46	-46,516
Parking revenues	45	-2,258,654
Debenture repayment	47	8,619,620
Exchange rate stabilization	48	
--	65	
--	66	
Total	57	89,536,975

Finance and Administration Committee

- 7 -

Report 14-00

ANALYSIS OF CAPITAL OPERATIONS (FORECAST)

for the year ended December 31, 2000

Municipality

Hamilton C

5

9

Appendix "C" as referred to
In Section 3 of Report 14-00
Of the City Finance and
Administration Committee

Unfinanced capital outlay (Unexpended capital financing)
at the beginning of the year

1 5,669,401

Sources of financing

Contributions from own funds

Revenue fund

2 3,000,000

Reserves and reserve funds

3 5,557,000

Subtotal 4 8,557,000

Long term liabilities incurred

Central Mortgage and Housing Corporation

5

Ontario Financing Authority

7

Commercial Area Improvement Program

9

Other Ontario housing programs

10

Ontario Clean Water Agency

11

Tire drainage and shoreline property assistance programs

12

Senal debentures

13

Sinking fund debentures

14 34,306,339

Long term bank loans

15

Long term reserve fund loans

16

--

Subtotal* 18 34,306,339

Grants and loan forgiveness

Ontario

20

Canada

21

Other municipalities

22

Subtotal 23 0

Other financing

Prepaid special charges

24

Proceeds from sale of land and other capital assets

25 1,000,000

Investment income

26

From own funds

27 15,950,000

Other

28

Donations

29

--

30

Revenue from Lower Tier

31 300,000

Subtotal 32 17,250,000

Total sources of financing 33 60,113,339

Applications

Own expenditures

Short term interest costs

34

Other

35 55,879,243

Subtotal 36 55,879,243

Transfers of proceeds from long term liabilities to:

Other municipalities

37

Unconsolidated local boards

38

Individuals

39

Subtotal 40 0

Transfers to reserves, reserve funds and the revenue fund

41

Total applications 42 55,879,243

Unfinanced capital outlay (Unexpended capital financing) at the end of the year

43 1,435,305

Amount reported in line 43 analysed as follows:

Unapplied capital receipts (negative)

44

To be recovered from:

- taxation or user charges within term of council

45

- proceeds from long term liabilities

46

- transfers from reserves and reserve funds

47 1,435,305

48

--

Total unfinanced capital outlay (unexpended capital financing) 49 1,435,305

* - amount in line 18 raised on behalf of other municipalities

19

City Council – June 27, 2000

NOTICES OF MOTION
FROM PREVIOUS MEETING

NOTICE OF MOTION

Alderman Collins gave notice that he would move at the next regular meeting of City Council, the following motion respecting free downtown parking:

- a) That free on-street parking in the Downtown Core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered for the months of July and August, 2000, and that the financing required to cover the lost revenues be found within the projected 2000 surplus in the Parking Services Section (\$381,850); and,
- b) That on-street parking in the downtown core be limited to 2 hours from 8:00 a.m. to 6:00 p.m., Monday to Saturday; and,
- c) That should a portion of the required funding not be available through the sources indicated in Sub-Section (a), the Finance and Administration Committee be requested to recommend the method of financing; and,
- d) That the City Traffic By-law No. 89-072 be amended accordingly; and,
- e) That Regional Council be requested to amend the Regional Traffic By-law R89-038; and,
- f) That staff report back, after consultation with various stakeholders such as the International Village and Downtown B.I.A.'s, with the results of the program; and
- g) That the Transition Board be requested to deal with the matter no later than July 1st, 2000.



BILLS

CITY OF HAMILTON CITY COUNCIL

**Tuesday, June 27, 2000
7:30 p.m.
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton**

-
- A-033 A By-law to Amend By-law No.89-72 to Regulate Traffic.**
- A-034 A By-law to Amend By-law No.89-72 to Regulate Traffic.**
- C-030 A By-law to Amend Zoning By-law No. 6593 Respecting Lands
Located at Municipal Nos. 12-14 Brantdale Avenue.**
- C-031 A By-law to amend Zoning By-law No. 6593 Respecting Lands
Located at Municipal Nos.801 and 803 King Street West and 80, 86
and 90 Carling Street.**
- C-032 A By-law to amend Zoning By-law No. 6593 Respecting Lands
Located East of Glancaster Road, West of Hawkswood Trail at the
Westerly Limits of Falconridge Drive and South of Rymal Road
West.**
- C-033 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning
By-law No. 93-1623 Respecting Lands Located at Municipal Nos.
89-91 Vine Street.**
- C-034 A By-law to amend Zoning By-law No. 6593 Respecting Lands
Located at 81 Christie Street.**
- C-035 A By-law to amend Zoning By-law No. 6593 Respecting Land
Located at Municipal No. 1015 Main Street West.**
- C-036 A By-law to Establish Site Plan Control Respecting Land Located
at Municipal No. 1015 Main Street West.**

- C-037** **A By-law to Remove Land Within the “Wisemount Estates, Phase 10” Subdivision, Plan 62M-889 from Part Lot Control.**
- C-038** **A By-law to Remove Land Within the “Claudette Gardens, Phase 6” Subdivision, Plan 62M-796 and “Domvir Estates, Phase 1, Subdivision, Plan 62M-861 from Part Lot Control.**
- C-039** **A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-laws No. 88-135 and 90-145 Respecting Lands Located at Municipal Nos. 1489-1523 Upper James Street.**
- D-026** **A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears**
- D-027** **A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.**

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following items, namely:-

"Herkimer	South Locke to 114 ft. east	1/2 hr 8 am - 6 pm	Mon - Fri
Balsam	Both Barton to Beechwood	3 hr 8 am - 6 pm	Mon - Sat"

2. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Lottridge	West C.N.R. tracks to 200 feet southerly	Anytime
Birge	North Emerald to East	Anytime
Birge	South Wellington to East	Anytime
Birge	South Emerald to Wentworth	Anytime
Cannon	South Robins to Sherman	Anytime
Cannon	South Kenilworth to Robins	2 am - 7 am
Glow	South Knox to a point 248 feet westerly	Anytime
Greenhill	West King to National	Anytime
Greenhill	North Tommar to Westerly end	Anytime
Locheed	West Landron to Paris	Anytime
Rosanne	North Palmer to 148 feet westerly	Anytime
Rosanne	South Palmer to 156 feet westerly	Anytime"

and by deleting therefrom the following items, namely:-

"Birge	South Wentworth to Wellington	Anytime
Cannon	South Kenilworth to Sherman	Anytime
Greenhill	North End to End	Anytime"

3. That **Schedule 27 (Alternate Side Parking)** of By-law 89-72, ~~as~~ amended, is hereby further amended by deleting therefrom the following item, namely:-

"Tara Court	East	West"
Summercrest Drive to the Southerly End		

4. That **Schedule 34 (Sticker Permit Parking)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Hughson	West	Barton to Murray	Anytime
Hughson	East	Murray to a point 110 feet north of Barton	Anytime
Lorne	East	Afton to Maplewood	8:00 am - 5:00 pm Monday to Friday
Grosvenor	West	commencing 330 feet south of Barton and extending 20 feet southerly therefrom	Anytime
Case	North	commencing 182 feet east of Barnesdale and extending 20 feet easterly therefrom	Anytime
Holmes	North	commencing 107 feet west of Emerson and extending 20 feet westerly therefrom	Anytime"

and by deleting therefrom the following items, namely:-

"Lorne	East	Afton to Maplewood	Anytime
Robins	West	commencing at a point 69 feet south of Barton and extending to the south property line of no. 121 Robins	Anytime
Holmes	North	commencing at a point 107 feet west of Emerson to a point 47 feet westerly therefrom	Anytime"

5. In all other respects By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 27th day of June, 2000.

ACTING MUNICIPAL CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 4 (Highways Designated for Use by Heavy Traffic)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following items, namely:-

"Burlington	Mary	Ferguson	Anytime
Mary	Barton	Burlington	Anytime"

2. That **Schedule 10 (Stops at Intersections)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Mary	Northbound and Southbound	Murray
Arrowhead	Westbound	Upper Wentworth"

3. That **Schedule 23 (Hamilton Street Railway)** of By-law 89-72, as amended, is hereby further amended by adding to the **Outbound** column thereof the following item, namely:-

"Duke 32 m east of MacNab (M/B)"

and by deleting therefrom the following item, namely:-

"Duke at James (FS)"

4. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following items, namely:-

"Burlington	North Bay to James	4 - 6 p.m.	Mon - Fri
Burlington	South Bay to James	7 - 9 a.m.	Mon - Fri"

5. That **Schedule 35 (Wheelchair Loading Zones)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"Balmoral	West 32 feet	220 feet south of Roxborough	7:00 am - 4:00 pm Monday to Friday
East	West 28 feet	68 feet south of King William	9:00 am - 6:00 pm
Glow	South 25 feet	50 feet west of Burgess	7:00 am - 4:00 pm Monday to Friday
East 31st	East 27 feet	144 feet south of Crockett	8:00 am - 4:00 pm" Monday to Friday

6. In all other respects, By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

7. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 27th day of June, 2000.

ACTING MUNICIPAL CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 12-14 BRANTDALE AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-7 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions, as contained in Section 10. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 10. (4) (ii) of Zoning By-law No. 6593, a minimum lot width of 15.2 metres shall be provided and maintained.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1447.

5. Sheet No. W-7 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1447.

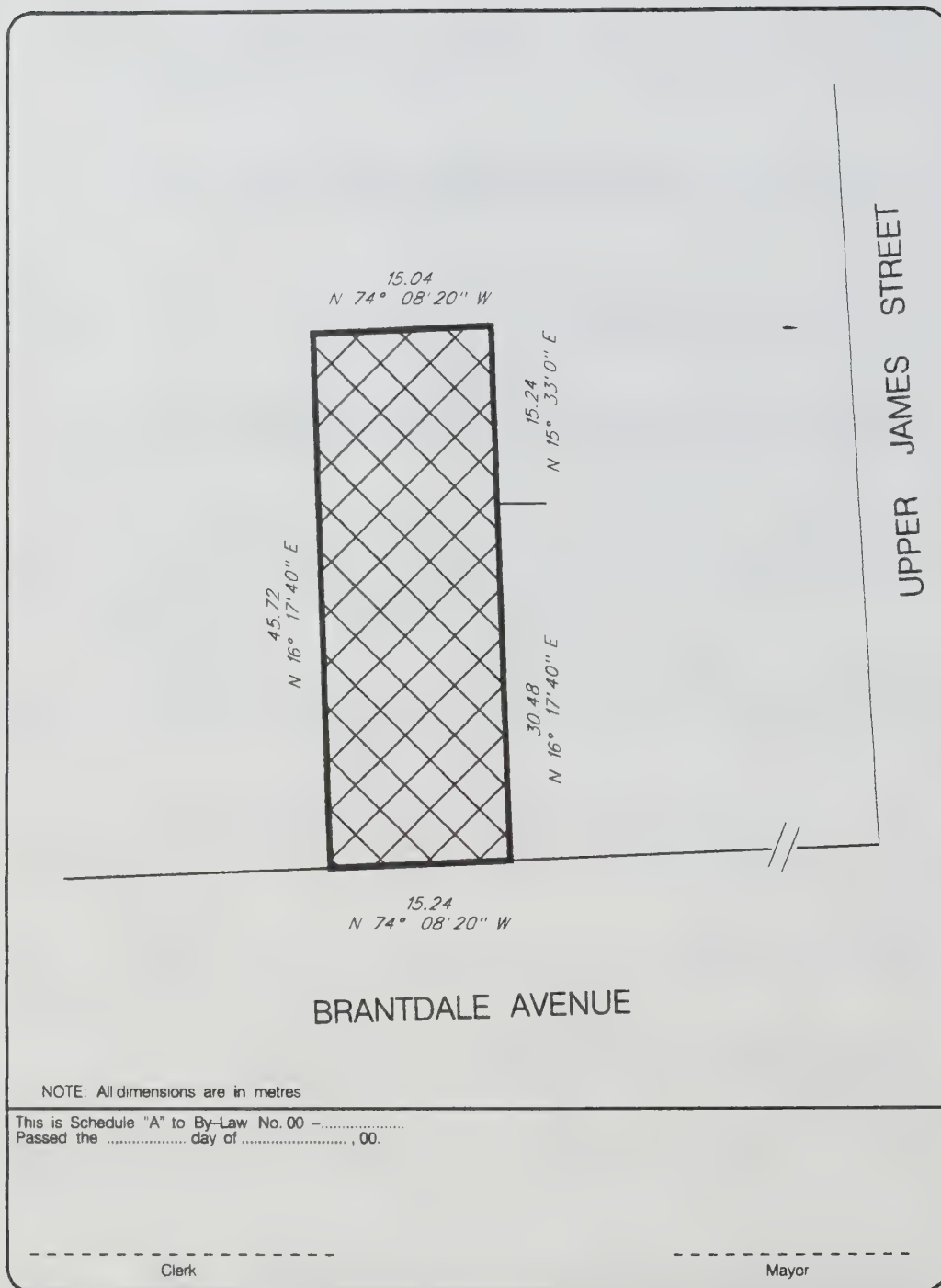
6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 11-00 R.P.D.C. 2, May 30
Locane Holding Inc., Owner
ZAC-00-09



City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-____
to Amend By-Law No. 6593

Community Planning and Development Division

Legend		
Change in zoning from.		
	"C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified	
	Scale	Reference File No.
	NOT TO SCALE	ZAC-00-09
	Date	Drawn By
	June, 2000	B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS. 801 AND 803 KING STREET WEST
AND 80, 86 AND 90 CARLING STREET**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982,

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W23 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "E" - 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the lands referred to in section 1 shall be removed conditional upon the applicant/owner,

- (i) submitting a signed Record of Site Condition (RSC) to the Region and the Ministry of the Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,
- (ii) submitting a traffic noise assessment study, prepared by a qualified consultant, investigating noise levels impacting the proposed development and recommending noise control measures, (if applicable), to the satisfaction of the Region;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "E" District provisions, subject to the special requirements contained in section 3 of this by-law.

3. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 11. (2) (ii) of Zoning By-law No. 6593, no building or structure shall exceed a height of 9 storeys or 28.5 metres; and,

- (b) notwithstanding Section 11. (3) (i) (b) of Zoning By-law No. 6593, a front yard of a depth of at least 6.0 metres shall be provided and maintained from the Carling Street front lot line; and,
- (c) notwithstanding Section 11. (3) (ii) (b) of Zoning By-law No. 6593, a westerly side yard of a width of at least 3.9 metres shall be provided and maintained and an easterly side yard width of at least 2.1 metres shall be provided and maintained; and,
- (d) notwithstanding Section 11. (5) of Zoning By-law No. 6593, a multiple dwelling shall have a maximum gross floor area of 5,443.94 square metres and a maximum of 40 class A dwelling units; and,
- (e) Section 18. (3) (ii) of Zoning By-law No. 6593 shall not apply to the subject lands; and,
- (f) notwithstanding Section 18. (3) (vi) (cc) of Zoning By-law No. 6593, balconies may encroach a maximum of 1.2 metres into a required front yard.
- (g) notwithstanding Section 18A. (1) (c) of Zoning By-law No. 6593, one loading space having minimum dimensions of 9.0 metres long by 3.7 metres wide by 4.3 metres high shall be provided and maintained for a multiple dwelling; and,
- (h) notwithstanding Section 18A. (14g) of Zoning By-law No. 6593, a parking area may be provided within a required front yard provided it is setback a minimum distance of 3.0 metres from the King Street West front lot line and a minimum distance of 6.0 metres from the Carling Street front lot line; and,
- (i) a minimum 1.5 metre wide planting strip shall be provided and maintained along the entire westerly and easterly side lot lines; and,
- (j) a visual barrier not less than 1.2 metres and not more than 2.0 metres in height shall be provided and maintained along the entire westerly side lot line, provided that a visual barrier shall be setback a minimum of 3.0 metres and a maximum of 5.0 metres from the King Street West and Carling Street road allowance limits; and,
- (k) a visual barrier not less than 1.2 metres and not more than 2.0 metres in height shall be provided and maintained along the entire easterly side lot line, except that:
 - 1. A visual barrier shall be setback a minimum of 3.0 metres and a maximum of 5.0 metres from the King Street West and Carling Street road allowance limits.
 - 2. No visual barrier shall be required for that portion of the easterly side lot line where an access driveway to an underground parking area is adjacent to a multiple dwelling to the east.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1446.

6. Sheet No. W23 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1446.

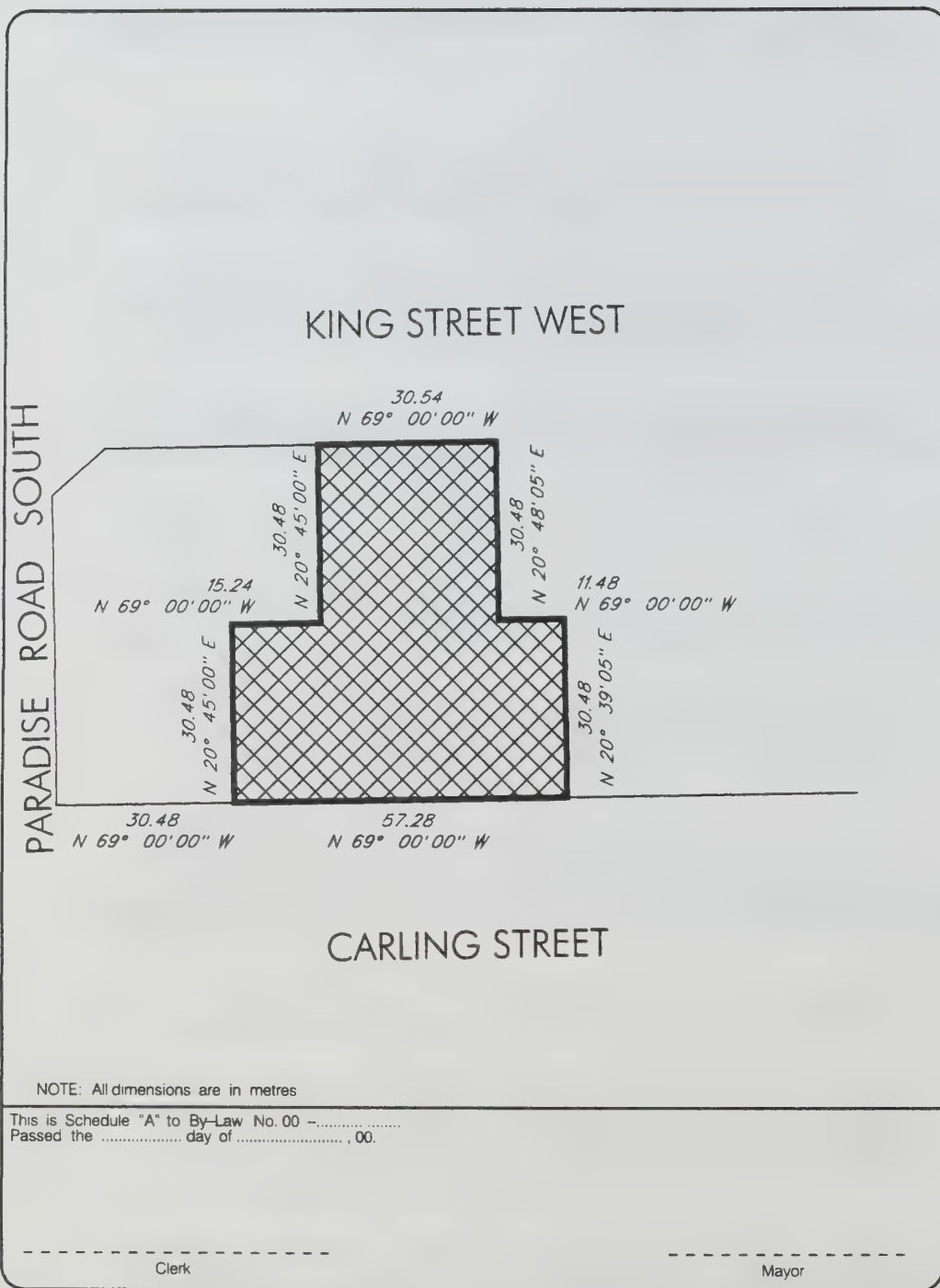
7. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 11-00 R.P.D.C. 1, May 30
Citadel Properties Limited, Prospective Owner
Amended ZAC-00-07





City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 00-_____
 to Amend By-Law No. 6593

Community Planning and Development Division

Legend		
Change in zoning from:		
	"H" (Community Shopping and Commercial, etc.) District, modified to "E" - "H" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, modified	
	Scale	Reference File No.
	NOT TO SCALE	ZAC-00-07
	Date	Drawn By
	June, 2000	B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED EAST OF GLANCASTER ROAD,
WEST OF HAWKSWOOD TRAIL AT THE WESTERLY LIMITS
OF FALCONRIDGE DRIVE AND SOUTH OF RYMAL ROAD WEST**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-37E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from **"AA"** (Agricultural) District to **"RT-20" – 'H'** (Townhouse – Maisonette - Holding) District, the land comprised in Block "1"; and,
- (b) by changing from **"C"** (Urban Protected Residential, etc.) District to **"RT-20" – 'H'** (Townhouse – Maisonette - Holding) District, the land comprised in Block "2",

the extent and boundaries of each of which Blocks "1" and "2" are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the lands referred to in section 1 shall be removed conditional upon,

- (i) the applicant and/or land owner submitting, to the satisfaction of the Director, Land Development Department and Corporate Counsel, all of the required documentation to provide for permanent vehicular access, in perpetuity, from the subject lands to Rymal Road West through the Ontario Hydro corridor to the west of the subject lands from the following agencies: Ontario Hydro; Bell Canada; the Township of Glanbrook; the Town of Ancaster; the Hamilton Region Conservation Authority; and, the Niagara Peninsula Conservation Authority; and,

- (ii) all required documentation being submitted, to the satisfaction of the Director, Land Development Department and Corporate Counsel, that the necessary agreements and approvals have been secured in perpetuity, to provide for permanent vehicular access for the abutting lands to the south shown as Blocks "1" and "2" on Schedule "A", from these lands to Glancaster Road through the Ontario Hydro corridor to the west of the subject lands from the following agencies: Ontario Hydro; Bell Canada; TransCanada PipeLines; the Township of Glanbrook; the Hamilton Region- Conservation Authority; and, the Niagara Peninsula Conservation Authority; and,
- (iii) the applicant/owner demonstrating to the satisfaction of the Director, Land Development Department, and the Supervisor of Traffic Studies/Traffic Technologists, Traffic Division, Transportation, Operations and Environment Division, that the proposed extension of Falconridge Drive westerly to connect to Glancaster Road is no longer required; and,
- (iv) the applicant/owner applying for and receiving approval for an access agreement to Rymal Road West to the satisfaction of the General Manager, Transportation, Operations and Environment Division; and,
- (v) the applicant undertaking and completing, to the satisfaction of the Ministry of Citizenship, Culture and Recreation an archaeological assessment of the subject lands and any significant resources present are to be removed and documented through excavation prior to construction, or preserved intact while development proceeds around the subject lands.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "RT-20" District provisions.

3. The "RT-20" (Townhouse – Maisonette) District provisions, as contained in Section 10E. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) no vehicular access shall be permitted from Falconridge Drive; and,
- (b) a visual barrier not less than 1.8 metres and not more than 2.0 metres in height shall be provided and maintained, except for points of vehicular access, along any lot line abutting a "C" District; and,
- (c) notwithstanding Section 10E.(7)(a) of Zoning By-law No. 6593, a maximum of 25 townhouse units shall be permitted; and,
- (d) notwithstanding Section 10E.(3) of Zoning By-law No. 6593, no building or structure within the district shall exceed 1 ½ storeys, and no structure shall exceed 9.5 metres in height; and,
- (e) Section 4.(3)(b) of Zoning By-law No. 6593 shall not apply to the subject lands provided that a right-of-way for vehicular access from the subject lands to Rymal Road West has been established and registered on title; and,
- (f) in addition to the requirements of Section 10E.(10) of Zoning By-law No. 6593, an area landscaped with a planting strip of not less than 3.0 metres in width shall be provided and maintained along the

northerly lot line.

By-law Respecting Lands East of Glanaster Road

3

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-20" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1441.

6. Sheet No. W-37E of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1441.

7. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

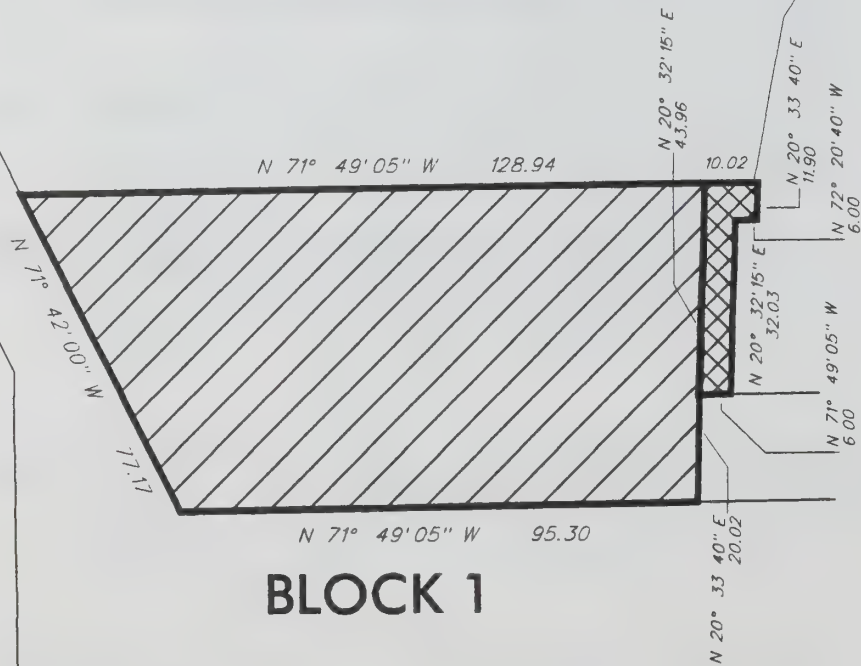
MAYOR

(2000) 05-00 R.P.D.C. 2, March 14
Jomar Development Corporation Inc.
(c/o J. Kutlesa), Owner
Amended ZAC-99-28

GLANCASTER ROAD

RYMAL ROAD WEST

BLOCK 2



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -
Passed the day of , 00.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-_____

to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Change in zoning from:

BLK 1



"AA" (Agricultural) District to "RT-20" - 'H'
(Townhouse - Maisonette - Holding)
District

BLK 2



"C" (Urban Protected Residential, etc.) District
to "RT-20" - 'H' (Townhouse - Maisonette -
Holding) District

North



Scale

NOT TO SCALE

Date

June, 2000

Reference File No

ZA-99-28

Drawn By

B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 93-162

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 89-91 VINE STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-162 on the 27th day of July 1993 to change the zoning and to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "H" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 99-174 on the 9th day of December 1999 to amend Zoning By-law No. 6593 to provide for a general text amendment to the said by-law with respect to the deletion of "Public Parking Lots" as a permitted use in the Downtown Area and "CR" (Commercial/Residential) Districts, which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of Report 07-00 of the Planning and Development Committee, at its meeting held on the 11th day of April 2000, recommended that Zoning By-law No. 6593, as amended by By-law No. 93-162, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-4 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "L-c" (Planned Development – Commercial) District to "H" (Community Shopping and Commercial, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14. (1) (viii) of Zoning By-law No. 6593, as amended by By-law No. 99-174, a public parking lot shall be permitted; and,
- (b) a landscaped planting strip having a minimum width of 3.0 metres shall be provided and maintained along the entire street line except for the area used for access driveway; and,
- (c) Section 18A. (11) and (12) of Zoning By-law No. 6593 shall not apply along the easterly lot line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 2 of By-law No. 93-162 and section 2 of this by-law.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1312a.

5. Sheet No. W-4 of the District Maps is amended by marking the lands referred to in section 2 of By-law No. 93-162 and further amended by section 2 of this by-law, S-1312a.

6. In all other respects, By-law No. 93-162 is hereby confirmed, unchanged.

7. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

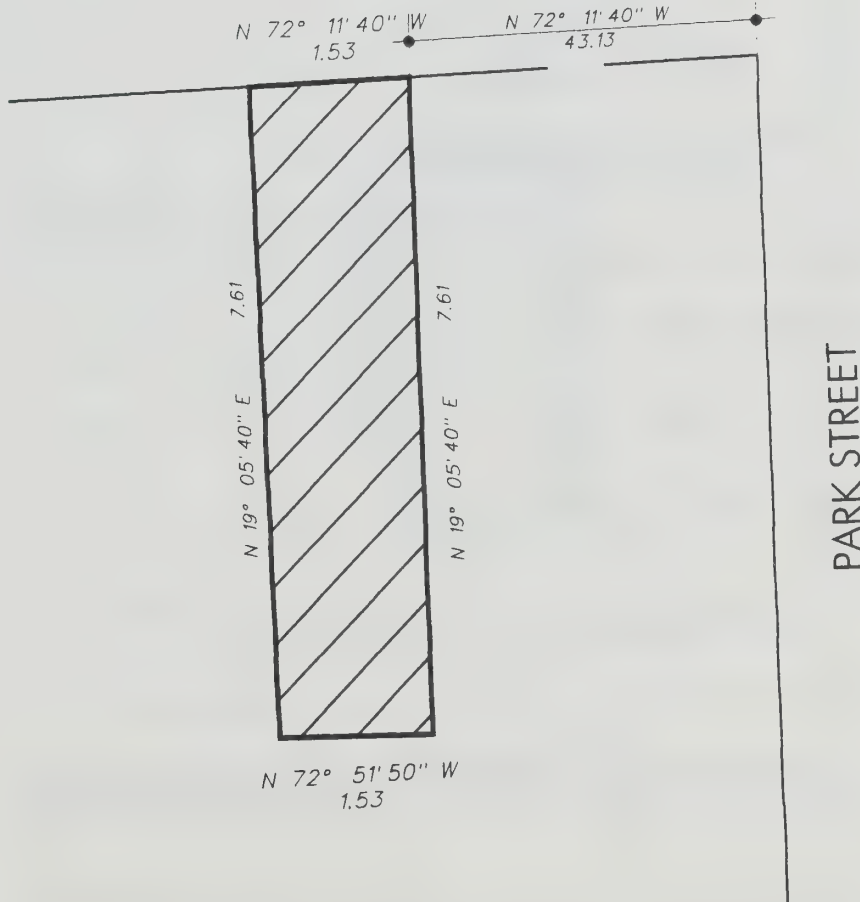
PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 07-00 R.P.D.C. 2, April 11
Philpott Memorial Church, Owner
ZAR-00-04

VINE STREET



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-_____
Passed the _____ day of _____, 00.

Clerk

Mayor

City of Hamilton


Schedule "A"


Map Forming Part of
By-Law No. 00-_____
to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Change in zoning from:

 "L-c" (Planned Development) District to
"H" (Community Shopping and Commercial,
etc.) District, modified

North 	Scale NOT TO SCALE	Reference File No ZAR-00-04
	Date May, 2000	Drawn By B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT 81 CHRISTIE STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions.

3. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th

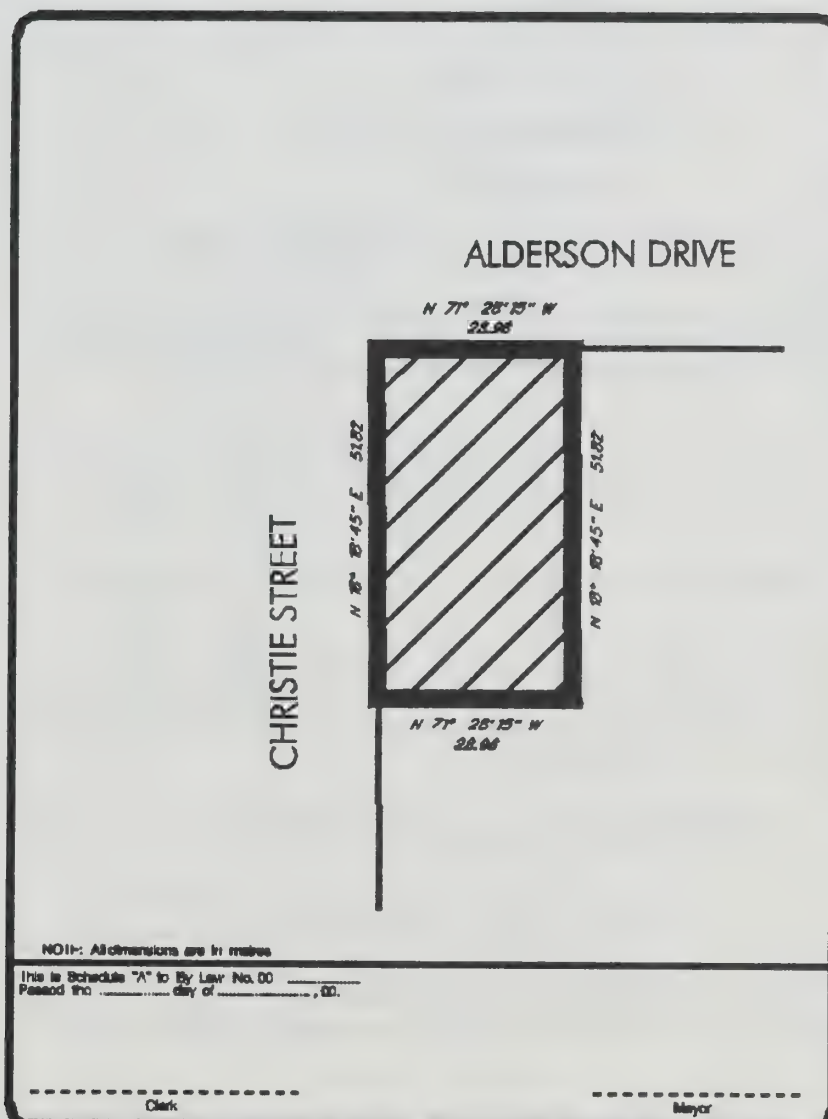
day of June

A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 12 R.P.D.C. 3, June 27
Ashok and Virbala Kumar, Owner
ZAR-00-14



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 _____
 Passed this _____ day of _____, 00.

 Clerk

 Mayor

City of Hamilton


Schedule "A"


Map Forming Part of
 By-Law No. 00-_____
 to Amend By-Law No. 6583

Community Planning and Development Division

Legend

Change in zoning from:

 "B" (Suburban Agriculture and Residential, etc.)
 District to "C" (Urban Protected Residential, etc.)
 District

North 	Scale NOT TO SCALE	Reference File No. ZAR-00-14
	Date June, 2000	Drawn By J. J.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1015 MAIN STREET WEST

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9. of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

(a) notwithstanding Section 9. (1) of Zoning By-law No. 6593, only the following use shall be permitted:

(i) a commercial school for secondary school level education.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1445.

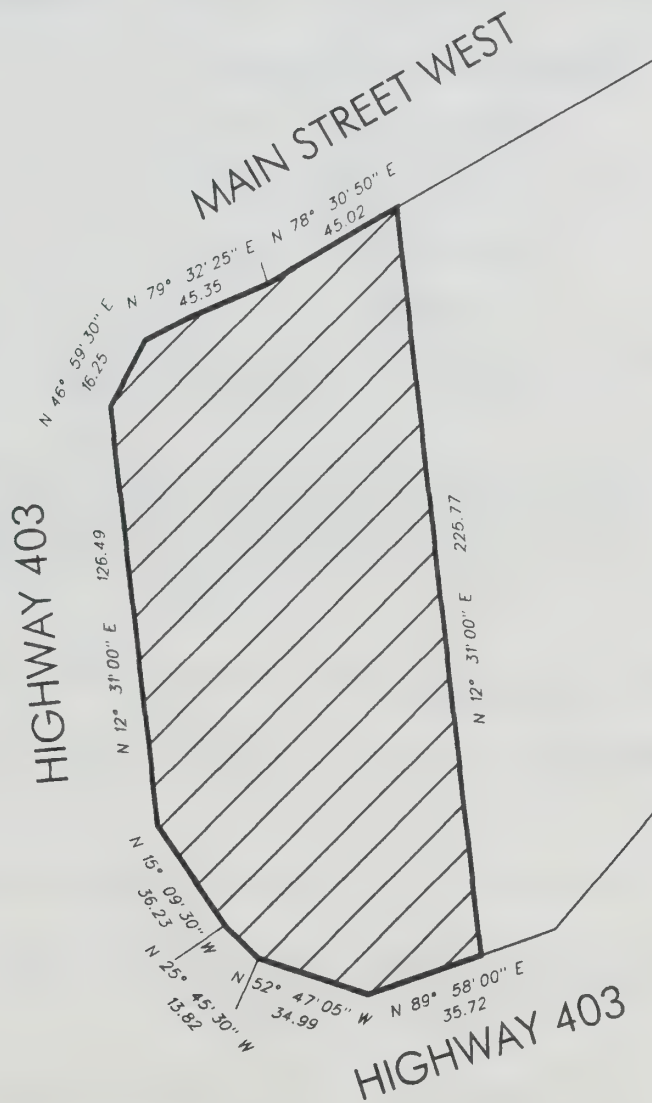
4. Sheet No. W-33 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1445.

5. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-_____
 Passed the _____ day of _____, 00.

 Clerk

 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 00-_____
 to Amend By-Law No. 6593

Community Planning and Development Division

Legend



Further modification to the established
 "C" (Urban Protected Residential, etc.)
 District, modified



North

Scale
NOT TO SCALE

Date
May, 2000

Reference File No
ZA-00-06

Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1015 MAIN STREET WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 98-173, passed on the 30th day of June 1998, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

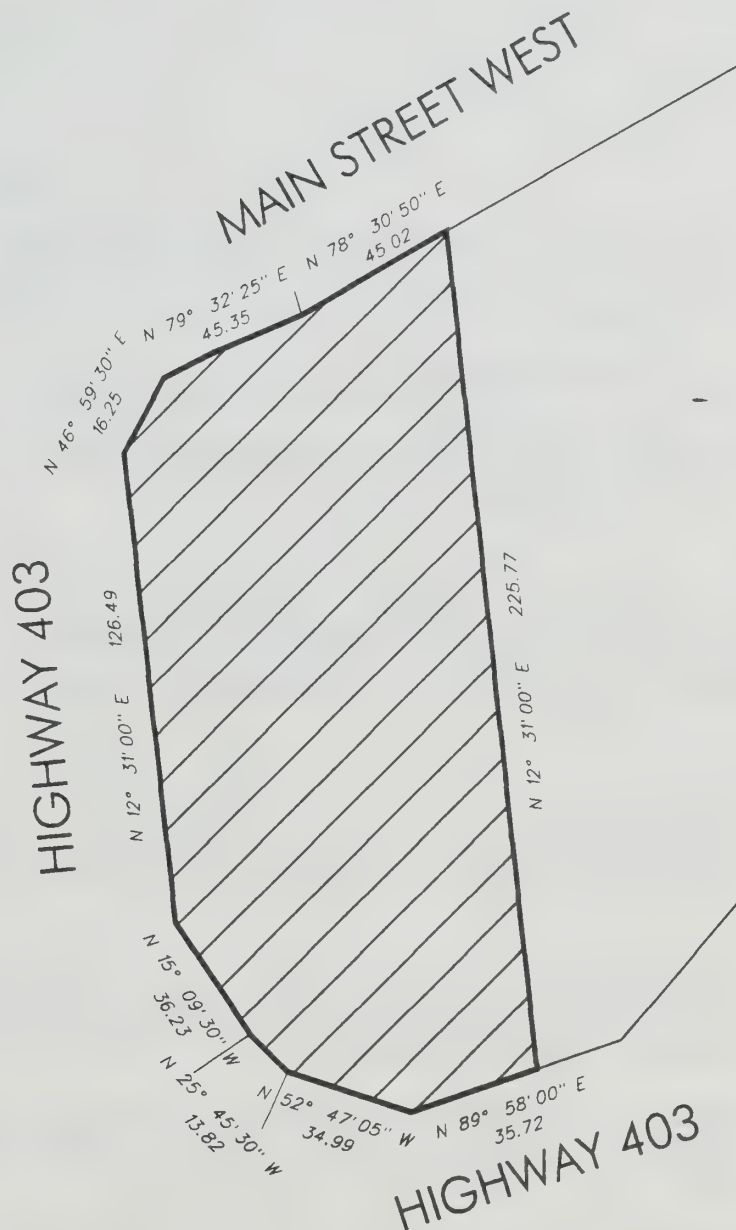
183. Lands located at 1015 Main Street West, shown on Appendix 183 hereto annexed and forming part of this by-law.

2. Appendix 183 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-.....
Passed the day of, 2000.

Clerk

Mayor

City of Hamilton

Appendix 183

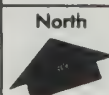
to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Community Planning and Development Division

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.



North

Scale
NOT TO SCALE

Date
June 2000

Reference File No.

ZA-00-06

Drawn By

B. B.

The Corporation of the City of Hamilton

BY-LAW No. 00 —

To Remove

Land within the "Wisemount Estates, Phase 10" Subdivision, Plan 62M-889
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating easements shall not apply to the following lands:

Lots 1 - 20, inclusive, Registered Plan Number 62M-889, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on July 1, 2001.

PASSED this day of

A.D. 2000.

Acting Municipal Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW No. 00 —

To Remove

Land within the "Claudette Gardens (Phase 6)" Subdivision, Plan 62M-796
and "Domvir Estates, Phase 1" Subdivision, Plan 62M-861
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating two buildings lots, each lot fronting onto Alfrin Court and being comprised of a Part of Block 6, Plan 62M-796 and a Part of Block 7, Plan 62M-861, shall not apply to the following lands:

Block 6, Plan 62M-796 and Block 7, Plan 62M-861, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.

(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

(c) This By-law shall expire on July 1, 2001.

PASSED this day of

A.D. 2000.

Acting Municipal Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-laws No. 88-135 and 90-145

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1489-1523 UPPER JAMES STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-135 on the 10th day of May 1988 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "G" District, in respect of the land located at 1489 to 1545 Upper James Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 90-145 on the 8th day of May 1990 to amend Zoning By-law No. 88-135 by substituting a revised Schedule "A", annexed to and forming part of By-law No. 90-145 as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 3 of Report 11-00 of the Planning and Development Committee at its meeting held on the 30th day of May 2000, recommended that Zoning By-law No. 6593, as amended by By-laws No. 88-135 and 90-145, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "G" (Neighbourhood Shopping Centre, etc.) District provisions, as contained in Section 13 of Zoning By-law No. 6593, as amended by By-law Nos. 88-135 and 90-145, applicable to the lands shown on a plan hereto annexed as Schedule "A" and forming part of this by-law, are further amended to the extent only of the special requirements that,

- (a) notwithstanding subsection 13. (1) of Zoning By-law No. 6593, the following uses shall also be permitted:
 - (i) automobile sales and leasing establishments; and,
 - (ii) an automobile body/fender repair shop and paint shop provided that it is accessory to and located within the same building as an automobile sales and leasing establishment; and,

- (iii) a private manual/mechanical car wash provided that it is accessory to and located within the same building as an automobile sales and leasing establishment; and,
- (iv) a business identification sign that is a ground sign, subject to the following requirements:
 - 1. Not more than one sign shall be permitted for each automobile sales and leasing establishment; and,
 - 2. A height of at least 3.0 metres shall be provided from the ground to the bottom of the sign; and,
 - 3. The supporting structure shall be designed and constructed so as not to obstruct the view from any direction to a greater degree than is reasonably necessary; and,
 - 4. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,
- (v) a business identification sign permanently affixed to the decorative wall structure subject to the following requirements:
 - 1. The sign shall not be more than 50% of the height of the structure; and,
 - 2. The total aggregate area of the sign shall not exceed 25% of the aggregate area of the structure parallel to the daylight triangle; and,
 - 3. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,
- (b) notwithstanding subsection 13. (3) of Zoning By-law No. 6593, a decorative wall structure shall be provided and maintained at the north-west corner of the property on the following basis:
 - (i) Said structure shall be parallel to the full length of the daylight triangle and extend a minimum of 15.0 metres from each end thereof along the northerly and westerly lot lines; and,
 - (ii) Said structure shall be located within the landscaped planting strip; and,
 - (iii) The height of said structure parallel to the daylight triangle shall be not less than 1.2 metres and not more than 2.0 metres; and,
 - (iv) The height of said structure appurtenant to the northerly and westerly lot lines shall be not less than 1.0 metre, except for the last 5.0 metres which shall be not less than 0.6 metre; and,

- (c) notwithstanding section 13. (3) (i) of Zoning By-law No. 6593, a minimum front yard setback of 24.0 metres shall be provided and maintained except for business identification ground signs which shall be setback a minimum of 6.0 metres; and,
- (d) the total aggregate area for signage referred to in Subsections 1. (a) (iv) and (v) of this by-law, shall not be more than 0.1 square metre per 0.3 metre of street frontage on Upper James Street; and,
- (e) a minimum 3.0 metre wide landscaped strip shall be provided and maintained along the northerly and westerly lot lines, except:
 - (i) For any area used for vehicular access; and,
 - (ii) That a minimum 6.0 metre wide landscaped strip shall be provided and maintained adjacent to the daylight corner.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" District provisions, subject to the special requirements referred to in section 2 of By-law No. 88-135 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1069b.

4. Sheet No. E-9D of the District Maps is amended by marking the lands referred to in section 2 of By-law No. 88-135, as amended by By-law No. 90-145 and further amended by section 1 of this by-law, S-1069b.

5. In all other respects, By-law No. 88-135, as amended by By-law No. 90-145, is hereby confirmed, unchanged.

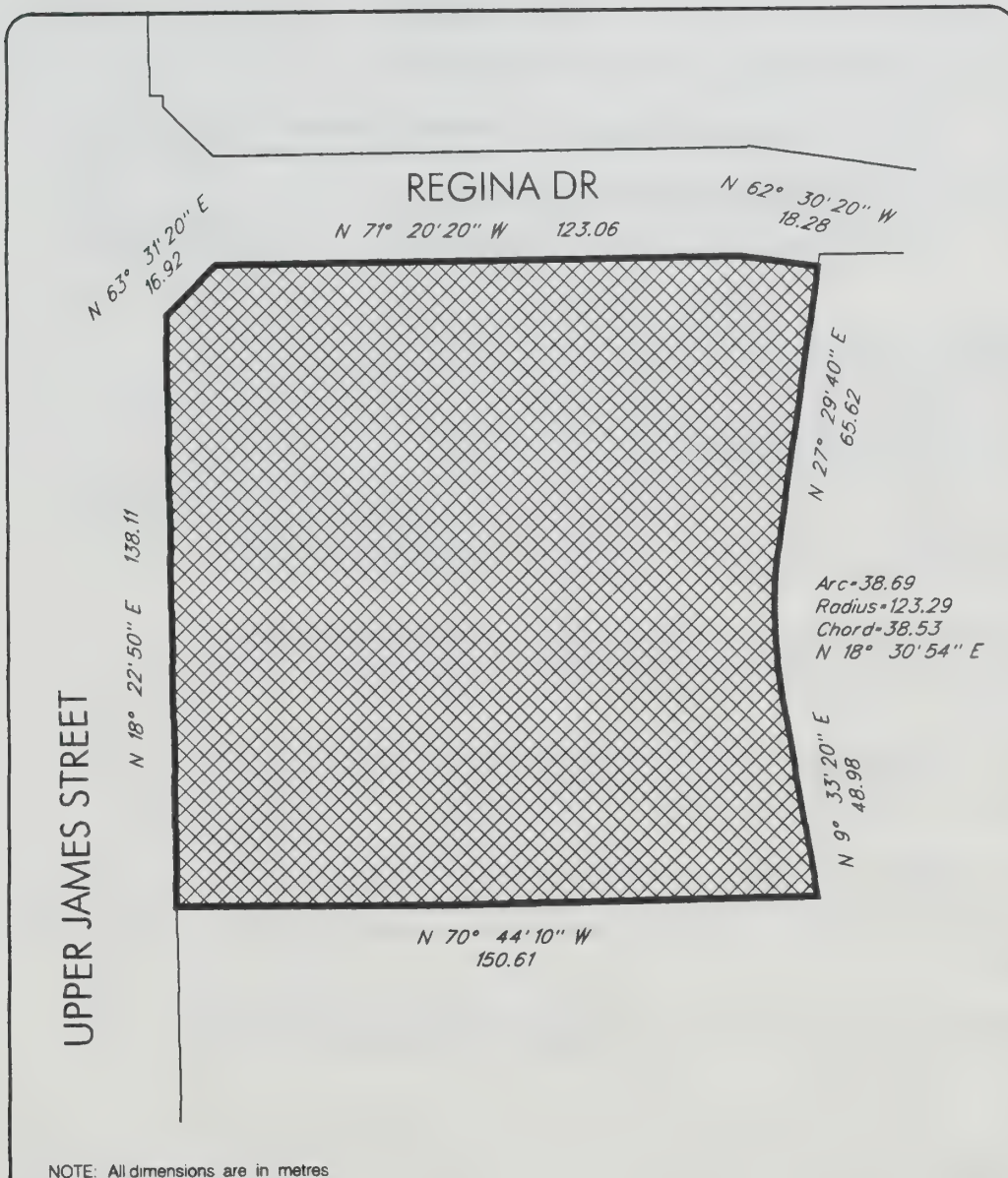
6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 27th day of June A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 11-00 R.P.D.C. 3, May 30
Sterling Honda (c/o J. LaCluse), Owner
ZAC-00-13



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 —
Passed the day of, 00.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00—

to Amend By-Law No. 6593

Community Planning and Development Division

Legend



Further modification to the established
"G" (Neighbourhood Shopping Centre,
etc.) District



North

Scale
NOT TO SCALE

Date
June, 2000

Reference File No.
ZA-00-13

Drawn By
B. B.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
- (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 27th day of June 2000 , A.D.,

ACTING MUNICIPAL CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

769 Mohawk Rd. E.
06 06030 4650
DECEMBER 7, 2000

BY-LAW NO. 00 - 0

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27TH DAY OF JUNE, 2000.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27TH day of JUNE A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



**URBAN
MUNICIPAL**

AGENDA

CITY OF HAMILTON CITY COUNCIL

(available online at www.city.hamilton.on.ca./hccnet)

Tuesday, July 4, 2000
immediately following Regional Council
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

URBAN MUNICIPAL

JUL 03 2000

GOVERNMENT DOCUMENTS

Kevin C. Christenson,
Acting Municipal Clerk

Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.

CALL TO ORDER

1. INTRODUCTORY REMARKS – Mayor R. M. Morrow

* Meet as Nominating Committee to elect a Chairman of the Committee of the Whole for September, October and November, 2000

2. ADOPTION OF THE MINUTES OF THE MEETING HELD JUNE 27, 2000

3. CORRESPONDENCE

4. Motion to invoke Rule 9 of the City's Procedural By-law to permit consideration of matters not reported upon by the respective Standing Committees

5. Motion to move into Committee of the Whole to permit consideration of Items A-1 to E-1 and the Report of the Nominating Committee

6. Consideration of recommendations

- A. Transport and Environment Committee
- B. Parks and Recreation Committee
- C. Planning and Development Committee
- D. Finance and Administration Committee
- E. Private and Confidential Agenda

7. Report of the Nominating Committee (Report 04-00)

8. Notices of Motion from Previous Meetings

8.1 Alderman C. Collins – Free On-Street Parking in the Downtown Core

8.2 Alderman B. Charters – Smoking in Public Places and the Workplace

9. Notice of Motion for next meeting

10. Motion to Adopt the Report of the Committee of the Whole on the resolutions and Reports

11. QUESTION PERIOD

12. ADJOURNMENT

MINUTES



MINUTES

CITY OF HAMILTON CITY COUNCIL

Tuesday, June 27, 2000
7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, G. Copps, D. Wilson, C. Collins, F. Eisenberger,
T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Father Michael Isabelle, St. Ann's Church, led Council in prayer.

PRESENTATIONS

Mayor R. M. Morrow presented Certificates of Appreciation to Dr. Marie Bountrigianni, M.P.P., Brad Clark, M.P.P. and David Christopherson, M.P.P. for their efforts in saving the Henderson Hospital Emergency Room.

Louise Dompierre, Director, Art Gallery of Hamilton, announced that the Art Gallery has received funding from the Canada Arts Council in the amount of \$165,000 for this and the next fiscal year.

Marlene Coffey, Executive Director, Hamilton Downtown Partnership, spoke on the downtown "Summer in the City" program and presented the Mayor with an autographed poster of the program.

* * * * *

Mayor R. M. Morrow presented Patti Beckett with a gift upon her retirement as Executive Director of the Hamilton & Region Arts Council.

* * * * *

Members of the Spring Gala Committee were presented with Certificates of Appreciation by Mayor R. M. Morrow in recognition of their contributions to the Hamilton Philharmonic Orchestra.

* * * * *

Medallions were presented to Members of Saint Mary's Catholic Secondary School for winning the 2000 OFSAA Provincial Girls Soccer Championships.

* * * * *

Mayor R. M. Morrow acknowledged and thanked Gary Shelling, Chairman, and Members of the Youth Video Camp for providing youth from some of Hamilton's twin cities with hands on video experience.

* * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Kyle Kloosterman for winning the 2000 Canadian National 10 Pin Bowling Bantam Championship.

ADOPTION OF MINUTES

The Minutes of the regular meeting held May 30, 2000 and the special meetings held June 6 and June 20, 2000 were adopted as circulated.

CORRESPONDENCE

1. Application dated May 29, 2000 from Dundurn Street Loffts, for a change in zoning from "DE " – "H" (Low Density Multiple Dwellings – Holding) District modified to "DE " (Low Density Multiple Dwellings) District modified for property at 220 Dundurn Street South, Hamilton, Ontario.

Received.

2. Application dated May 30 from Alanson Lofts Inc. for a removal of holding provision for the properties located at 54-56 Alanson Street, Hamilton, Ontario.

Received.

3. Application dated June 9, 2000 from Atrium Villa Holdings, Toronto, Ontario for a further modification to the "DE'-3" (Multiple Dwellings) District Modified for the property located at 475 Main Street East, Hamilton, Ontario.

Received.

4. Letter dated June 27, 2000 from Sergio Manchia, MCIP, RPP, Senior Planner for Planning and Engineering Initiatives Ltd., 360 James Street North, Hamilton re: Adaptive Re-Use of 73 Garfield Avenue South – Request for waiving of fees – 10 Condominium Lofts. This item is also referred to in Section 13 of Report 12-00 of the Planning and Development Committee.

Received.

5. Letter dated June 14, 2000 from Terry Mundell, Ontario Restaurant Hotel and Motel Association re: Smoking in Public Places and the Workplace.

Received.

Mayor R. M. Morrow introduced the following items for information and directed the Acting Municipal Clerk to distribute them to Members of City Council:

1. E-mail from John Sewell re: Local Self Government – Bulletin No. 9, June 2000; and,
2. Newspaper Article by David Mills, Marketplace entitled "*Each of you can promote Hamilton*"; and,
3. Newspaper by Brent Lawson, The Hamilton Spectator entitled "*It's official: Steel City has a heart of gold*".

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee be now considered in Committee of the Whole with Alderman Charters in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 11-00

Section 2 Re: Proposed Extension to Outdoor Boulevard Café

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Corsini. -1 .

CARRIED.

Section 6 Re: Use of Speed Humps on Residential Streets

It was moved by Alderman O'Sullivan and seconded by Alderman Morelli that Section 6 of Report 11-00 of the Transport and Environment Committee be amended by adding sub-section (i) as follows:

- (i) That the City install a speed hump as a prototype this year to measure the effectiveness as a speed deterrent and to receive resident feedback.

CARRIED.

Section 12 Re: Declaration of Surplus Property – 583 Upper Wellington Street – Municipal Carpark #9a

It was moved by Alderman Kelly and seconded by Alderman Anderson that Section 12 of Report 11-00 of the Transport and Environment Committee be tabled until the July 4, 2000 City Council Meeting.

CARRIED.

PARKS AND RECREATION COMMITTEE – REPORT 08-00

Section 8 Re: Alcohol in Parks

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Jackson. –1 .

CARRIED.

* * * * *

Section 9 Re: Multipad Arena

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Copps. –1 .

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE – REPORT 12-00

Section 13 Re: Waiving of fees for 73 Garfield Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Morelli, Haining, Eisenberger, Jackson, Kelly. –6.

NAYS: Aldermen Kiss, Caplan, Horwath, Corsini, Copps, Wilson, Collins, Charters, Anderson, D'Amico, O'Sullivan. –11. **LOST.**

* * * * *

Section 14 (b) Re: Bill C-031

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Aldermen Kiss, Copps. -2 .

CARRIED.

* * * * *

Section 14 (j) Re: Bill C-039 – Schedule “A”

It was moved by Alderman D'Amico and seconded by Alderman Copps:

- (a) That Section 14 (j) of Report 12-00 of the Planning and Development Committee be amended by replacing schedule “A” of Bill C-039 with a new schedule “A” as attached hereto and marked as Schedule “A”; and,
 - (b) That pursuant to section 34 (17) of the Planning Act, Council determines that no further notice need be given.
- CARRIED.**

* * * * *

Section 15 Re: Waiving of Fees for Redevelopment of Derelict Buildings

It was moved by Alderman Wilson and seconded by Alderman Morelli that the following be added as Section 15 of Report 12-00 of the Planning and Development Committee:

- 15. That the policy issue with respect to incentives such as waiving of the building, park development and condominium application fees for the redevelopment of derelict buildings be referred to the Planning and Development Committee.
- CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - REPORT 13-00

Section 1 Re: Hamilton Downtown Partnership

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Haining, Wilson, Copps, Eisenberger, Charters, Kelly, D'Amico, O'Sullivan. -13.

NAYS: Aldermen Jackson, Anderson. -2.

CARRIED.

Section 4 Re: Sale of Alleyway between Glenfern Avenue and Amelia Street

Alderman Caplan declared personal interest in, took no part in the debate and refrained from voting on this matter as his family owns property in the immediate area.

Section 5 Re: Declaration of Surplus Lands – Hamilton Beach

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -16.

NAYS: Alderman Caplan -1.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - REPORT 14-00

Rule No. 9 Re: Purchase Order – G.S. Wark – Hamilton Fire Stations 6 and 11

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a Purchase Order to G.S. Wark Re: Hamilton Fire Stations No. 6 and 11.

CARRIED.

Section 7 Re: Purchase Order – G.S. Wark for Hamilton Fire Stations 6 and 11

It was moved by Alderman Wilson and seconded by Alderman O'Sullivan that the following be added as Section 7 of Report 14-00 of the Finance and Administration Committee:

7. (a) That staff be authorized to issue a Purchase Order to G.S. Wark of Hamilton in the amount of Five Hundred and Thirteen Thousand Six Hundred (\$513,600.) including applicable taxes of Thirty Three Thousand Six Hundred (\$33,600) for Hamilton Fire Stations No. 6 and 11, Minor Upgrades and Ambulance Expansion as detailed in the contract Documents issued in May 2000, and;
- (b) That a contract satisfactory to the City Solicitor be entered into between the City and the Contractor, and;
- (c) That the Mayor and the Acting Municipal Clerk be authorized to execute the contract on behalf of the City, and;
- (d) That the General Manager of the Community Services Division be authorized to expend the project contingency of \$50,000 for unforeseen and additional project requirements. **CARRIED.**

NOTICE OF MOTION FOR NEXT MEETING

Smoking in Public Places and the Workplace

Alderman B. Charters gave notice that he would move at the next meeting of City Council the following motion respecting Smoking in Public Places and the Workplace:

That the following amendments to By-law 98-140 be approved:

- a) That By-law No. 98-140 respecting Smoking in Public Places and the Workplace be amended by:
 - i) extending the date for restaurants to provide designated smoking areas or to become smoke free from "May 31, 2000" in Subsection 5(2) and inserting the date of "March 31, 2001" in lieu thereof.
 - ii) removing the word "patios" from the six line of part (a) of the definition of "public place" under section 1 of the by-law
 - iii) inserting the following subsection (2) of Section 1 of the by-law:

"(2) Notwithstanding the provisions of this by-law, smoking is permitted in that part of a restaurant or the area operated as a restaurant, which part of area is an outdoor patio, and which patio lacks either a roof or walls, other than up to two walls which walls are the exterior of a wall of the restaurant."

- b) That the appropriate by-laws to amend By-law 98-140 be passed and enacted;
- c) That in all other respects By-law 98-140 as amended is confirmed without change.

**ACTING MAYOR FOR THE MONTHS OF:
JULY, AUGUST AND SEPTEMBER, 2000**

It was moved by Alderman Horwath and seconded by Alderman Corsini that Alderman D. O'Sullivan be appointed Acting Mayor for the month of July, 2000.

CARRIED.

It was moved by Alderman Horwath and seconded by Alderman Corsini that Alderman M. Kiss be appointed Acting Mayor for the month of August, 2000.

CARRIED.

It was moved by Alderman Horwath and seconded by Alderman Corsini that Alderman M. Caplan be appointed Acting Mayor for the month of September, 2000.

CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

Note: The meeting adjourned at 10:10 p.m.

Taken as read and approved,

**MAYOR R. M. MORROW
CHAIRMAN**

**K. C. Christenson, Acting Municipal Clerk
June 27, 2000**

KCC/dg

CORRESPONDENCE

City Council
Correspondence
July 4, 2000

1. Petition from Rob Smith on behalf of the Committee to Save Bellevue with approximately 180 signatures re: To Preserve Bellevue

Recommendation: Be Received.

Mr. Rob Smith
85 Highcliffe Avenue
Hamilton, Ontario
L9A 3L3

June 19, 2000

Mayor Bob Morrow
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Sir:

The Committee To Save Bellevue was present at the Hamilton Mountain Reunion at Mohawk College on Saturday June 17th. We were there to inform those attending about the fate of 'Bellevue' and to collect signatures from people wanting to see it preserved.

Many visitors knew Bellevue well and had a number of very interesting stories to share with us. A former gardener corroborated what we have already been told recently by someone who lived in the area in the 80's, namely that he had also seen a burial plot containing four grave stones on the property. We are following that information up.

The Hamilton Mountain Historical Society was set up next to us with their new coffee table book, Mountain Memories. Bellevue is featured in it as well as many historical mountain homes that have been demolished.

The MP for Hamilton Mountain, Beth Phinney, was in attendance and signed the petition as well, and we will be contacting her.

Following is the petition with 18 pages of names, addresses and signatures from Mountain or former Hamilton Mountain residents requesting that the City of Hamilton take measures to preserve Bellevue.

Yours sincerely



Rob Smith
on behalf of The Committee to Save Bellevue

Petition to Mayor Bob Morrow: City Hall, 71 Main Street West, Hamilton, ON L8P 4Y5

"Bellevue" is of extreme historical significance to Hamilton, not only because of its architecture, but also because it was the home of John Bradley, an early pioneer and tradesman, whose vision helped transform Hamilton from a small Police Post into a thriving cosmopolitan center. It should be preserved.

1. Name Glen Milne
(Architect) Address 95 Glebe Avenue
Ottawa K1S2C2 Signature G. Milne
2. Name Rob Cooper Address 174 Mt. Pk. #1
Signature Rob Cooper
3. Name Judith Young Address 283 Chayer Ave
Signature Judith Young
4. Name M. Heinkeken Address 28 Mile Rd Ham.
Signature M. Heinkeken
5. Name Judy Fraser Address 25 Greeningdon
Signature Fraser
6. Name E. Callan Address Milton On.
Signature _____
7. Name Pat Callan Address Milton Ont
Signature _____
8. Name Winnie Capriotti Address 236 East 45th St. Hamilton On
Signature W. M. Capriotti
9. Name PAT ECKER Address 154 CHESLEY ST. Ham.
Signature Pat Ecker
- Name Beth Phinney Address 222 Concession St. Apt 501
M.P. Signature Beth Phinney

RECOMMENDATIONS

July 4, 2000

RECOMMENDATIONS

To the Council of the Corporation of the City of Hamilton

Members of Council:

The following recommendations are presented for consideration:

TRANSPORT AND ENVIRONMENT COMMITTEE

A-1 Routine Traffic Amendments to the City of Hamilton Traffic By-law 89-72 – City Committee of the Whole Meeting – July 4, 2000 (PWT00126)

That the requests for routine amendments, attached as Appendix "A" hereto, be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

A-2 Hunter Street East, east of James Street South, and Young Street, east of James Street South – Parking Regulations (PWT00116)

- (a) That a portion of the existing "No Parking" loading zone on the south side of Hunter Street East be replaced by one-hour parking meters commencing 60 feet east of James Street South and extending to a point 65 feet easterly; and,
- (b) That the existing fulltime "No Parking" regulation on the north side of Young Street between James Street South and John Street South be replaced by two-hour parking meters; and,
- (c) That the existing "No Stopping, 4pm to 6pm, Monday to Friday" regulation on both sides of Young Street between James Street South and John Street South be removed; and,
- (d) That the City Traffic By-law 89-72 be amended accordingly.

A-3 Intersection of James Street North and Picton Street, City of Hamilton – Traffic Signal Installation (TOE00010)

- (a) That a Pedestrian Priority Traffic Signal be installed on James Street North at Picton Street in the City of Hamilton;
- (b) That the Committee of the Whole be requested to recommend a source of funding;

- (c) That in accordance with the Guidelines issued, this Report does not require Transition Board approval.

A-4 Westdale Village B.I.A. – “Dance the Night Away” Street Dance – Friday, September 8, 2000 (PWT00128)

That the application by the Westdale Village B.I.A. to temporarily close King Street West and parkettes between Marion and Paisley on Friday, September 8, 2000 between 4:30 pm and 12:00 midnight, to hold their annual “Dance The Night Away” street dance, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police, or his designate, be received, and that such permits or authorizations as may be required by the Chief of Police, or his designate, be obtained; and
- (b) That prior to the event, the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss; and
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police, or his designate; and
- (d) That all barricading be supplied by and at the expense of the applicant; and
- (e) That “Temporary Road Closure” signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and
- (h) That all property owners and tenants within the closure area of the route be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and
- (i) That the Alcohol and Gaming Commissioner of Ontario (ACGO) be advised that the City of Hamilton is aware of the application by The Westdale Village B.I.A. to serve alcohol on the north and south side parkettes adjacent to King Street West between Marion and Paisley, from

5:30 pm to 12 midnight on September 8, 2000 and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event; and

- (j) That the applicant be granted an exemption from the City of Hamilton's Noise By-law No. 79-292 to allow music to be played until 12 midnight for this event and that a noise control officer monitor the event and be in attendance if necessary, at the expense of the applicant; and
- (k) The applicant will reimburse the City for the loss of parking meter revenues (if any) as determined by the Manager of Community Traffic and Parking Services.

A-5 Petition to Remove Aberdeen Avenue from the "Through Street" System (PWT00083)

- (a) That no action be taken on the request to remove the "through street" designation on Aberdeen Avenue between Longwood Road and Dundurn Street; and
- (b) That the Regional Transportation Services Committee be advised of this recommendation as Aberdeen Avenue is a Regional Road in this area.

A-6 Locke Street South – Various Sidewalk Encumbrances (PWT00114)

That Report PWT00114 respecting Locke Street South – Various Sidewalk Encumbrances, be received.

A-7 To Incorporate certain City Land into Various Streets by By-laws (TOE00011)

- (a) That the following City land be incorporated into the following streets:

Appleblossom Drive	Part 3, save and except Part 2	62R-13389 62R-14168
Eaglewood Drive	Parts 1, 4, 5, 8, 9, 11, 15 and 16	62R-15419
Elmore Drive	Part 4	62R-14109
Meadowpoint Drive	Block 23	62M-853
Piano Drive	Block 38	62M-778
Ferguson Avenue	Part 3	62R-15301

Rebecca Street

Part 2

62R-15305

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council; and,
- (c) That the General Manager of Transportation, Operations & Environment be authorized and directed to register the by-laws; and,
- (d) That in accordance with the Guidelines issued, this Report does not require Transition Board approval.

A-8 Declaration of Surplus Property – 583 Upper Wellington Street – Municipal Car Park #9a (PWT00110)

- (a) That 583 Upper Wellington Street, Municipal Carpark #9a, described as Lot 27 and part of Lot 26, Plan 572, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,
- (b) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049.

A-9 Referral from Regional Council - \$1,000 Permit Fee for Film and Television Production (PDR00123)

- (a) That the Regional Municipality of Hamilton-Wentworth eliminate the \$1,000 Occupation fee on road allowances as it pertains to the Film, Television and Commercial Production Industry filming on the Regional road allowance; and,
- (b) That a \$250 administration fee be charged to all Film, Television and Commercial Productions filming or utilizing the streets and/or properties under the jurisdiction of the City of Hamilton/Regional Municipality of Hamilton-Wentworth. This administration fee will be administered by the Hamilton Film Liaison Office (HFLO) for the development of this growth sector within this community. However, funds collected for 2000 will continue to be directed to City of Hamilton to offset the elimination of the \$1,000 occupation permit fee in this years' budget; and,
- (c) That all Film, Television and Commercial Production Companies must continue to be charged the appropriate road and lane closure fees, actual cost of services provided by City/Region departments and the actual cost of policing.

A-10 Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-035 Being a By-law to incorporate City land designated as Part of Block 30 on Plan 62M-710, being Part 3 on Plan 62R-13389, save and except Part 2 on Plan 62R014168 into Appleblossom Drive.
- (b) A-036 Being a By-law to incorporate City land designated as Parts 1, 4, 5, 8, 9, 11, 15 and 26 on Plan 61R-15419 into Eaglewood Drive
- (c) A-037 Being a By-law to incorporate City land designated as Part 4 on Plan 62R-14109 into Elmore Drive
- (d) A-038 Being a By-law to incorporate City land designated as block 23 on Plan 62M-853 into Meadowpoint Drive
- (e) A-039 Being a By-law to incorporate City land designated as Block 38 on Plan 62M-778 into Piano Drive.
- (f) A-040 Being a By-law to incorporate City land designated as Part 3 on Plan 62R015301 into Ferguson Avenue.
- (g) A-041 Being a By-law to incorporate City land designated as Part 2 on Plan 62R015305 into Rebecca Street.
- (h) A-042 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (i) A-043 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (j) A-044 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (k) A-045 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.

A-11 That the following items be received for information:

- (a) Minutes of the June 19, 2000 meeting of the Transport and Environment Committee
- (b) Department of Public Works and Traffic Smog Response Plan 2000 (PWT00127)
- (c) Royal Canadian Mint – Issuance of New Canadian Coins (PWT00130)

PARKS AND RECREATION COMMITTEE**B-1 Sale of Alcoholic Beverages in Globe Park - Hamilton and District Slo-Pitch League (CSC00108)**

- (a) That approval be given to the Hamilton and District Slo-Pitch League to sell alcoholic beverages at Globe Park on August 19, 2000 from 12:00 p.m. to 11:00 p.m. by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy; and,
- (b) That Section 9 of Report 07-00 of the Parks and Recreation Committee as adopted by City Council at its meeting held May 9, 2000, be amended by changing the previously approved Tournament dates and approvals to sell alcoholic beverages in Globe Park by the Hamilton and District Slo-Pitch League from September 15 and 16, 2000 to September 16 and 17, 2000 from 12:00 p.m. to 11:00 p.m.

B-2 Sale of Alcoholic Beverages - Mohawk Sports Park - Hamilton Hornets Rugby Club - August 13, 2000 (CSC00115)

That approval be granted to the Hamilton Hornets Rugby Club to sell alcoholic beverages at Mohawk Sports Park on August 13, 2000 by Special Occasion Permit only and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy.

B-3 Amusement Rides in Parkdale Park - Approval Required by Parks By-law No. 95-126 (CSC00111)

That approval, as required by Parks By-law No. 95-126 and under the standard Terms and Conditions of the Special Events Guidelines, be given to Big A Amusements to hold amusement rides as a fundraiser in Parkdale Park for Queenston Parent Drop In Centre from July 6-9, 2000 from 12:00 noon to 11:00 p.m.

B-4 Information Item

That the following item be received for information:

- (a) Minutes of the Parks and Recreation Committee for its meeting held June 19, 2000

PLANNING AND DEVELOPMENT COMMITTEE**C-1 Request for a removal of the 'H' Holding Provision for lands located at No. 220 Dundurn Street South ZAR-00-19 (PDC00121)**

- (a) That the approval be given to Zoning Application ZAR-00-19, Adam J. Stelmadzynski (Dundurn Street Lofts Inc.), owner, for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion and expansion of an existing building for 60 residential apartment units, for lands located at No. 220 Dundurn Street South, as shown on the attached map marked as Appendix "A"; and,
- (b) That the Director, Land Development Department, Community Planning and Development Division, be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 98-24, and Zoning District Map W-23 for presentation to City Council.

C-2 Request for removal of the 'H' Holding provision for lands located at No. 54-56 Alanson Street ZAC-0020 (PDC00122)

- (a) That the approval be given to Zoning Application ZAR-00-20, Alanson Lofts Inc, (c/o Ray Wein), owner, for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion the existng two (2) storey building into a multiple dwelling containing six (6) dwelling units, for lands located at No. 54-56 Alanson Street, as shown on the attached map marked as Appendix "B"; and,
- (b) That the Director, Land Development Department, Community Planning and Development Division be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 99-136, and Zoning District Map E-14 for presentation to City Council.

C-3 Core Heritage 2000 Program-173 King Street East, Hamilton (HSB00010)

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of twenty thousand dollars (\$20,000) to 683469 Ontario Ltd., registered owner of 173 King Street East, be approved.

C-4 Proposed Site Plan Control By-law for lands located at No. 164 Limeridge Road East - (PDC00117)

- (a) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be further amended by adding the lands located at No. 164 Limeridge Road East, as shown on the attached Appendix "C".
- (b) That the General Manager of The Community Planning and Development Division be directed to prepare the necessary By-law, to amend By-law No. 79-275, in a form satisfactory to Corporate Counsel, for presentation to City Council.

C-5 Site Plan Fees – Hamilton Beach Strip (PDC00119)

That City Council establish a special site plan fee of \$1,130 (equivalent fee of a revision to a site plan) for single and two family dwellings development along the Hamilton Beach strip (outside the proposed Heritage Conservation District area) that require the submission of a site plan and grading plan only.

C-6 Re-zoning for the South East Corner of Sanatorium Road and Scenic Drive ZAC-00-17 (PDC00105) (previously tabled from June 21, 2000 meeting)

That approval be given to Zoning Application ZAC-00-17, Columbia International College, applicant, requesting a further modification to the "AA" (Agricultural) District to permit the conversion of the existing building for use as a student dormitory for Columbia International College, for property located at the south east corner of Sanatorium Road and Scenic Drive, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 96-152, be further modified to the extent only of the special requirement that:
 - (i) Notwithstanding Section 4(a) of By-law 96-152 applicable to the subject lands, a private student residence for not more than 250 students attending Columbia International College shall be permitted only within the existing building;
 - (ii) For the purposes of this By-law, a "Student Residence" means a building used for the purpose of accommodating students in dwelling units or other separate quarters provided that such building may include common areas and cooking and dining facilities;

- (iii) Notwithstanding Section 18A (1) of By-law No. 6593, not less than 200 parking spaces shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19 of Zoning By-law No. 6593, as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 be notated S-1363a;
- (c) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-36 for presentation to Council; and,
- (d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

C-7 Bills:

That the following Bills be adopted, sealed, signed and enrolled as By-laws:

- (a) C-040 A By-law To Amend Zoning By-law No. 6593 As Amended By Zoning By-law No. 98-24 Respecting Lands Located at Municipal No. 220 Dundurn Street South.
- (b) C-041 A By-law To Amend Zoning By-law No. 6593 As Amended By Zoning By-law No. 99-136 Respecting lands located at Municipal Nos. 54 and 56 Alanson Street.
- (c) C-042 A By-law To Establish Site Plan Control Respecting land located at Municipal No. 164 Limeridge Road East.

C-8 Information Items

That the following items be received for Information:

- (a) Minutes of the June 21, 2000 meeting of the Planning and Development Committee
- (b) Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PWT00122)

FINANCE AND ADMINISTRATION COMMITTEE**D-1 Addition of First Real Properties Limited, new owner of 18-32 James Street South, the City's MacNab Street truck tunnel easements**

In connection with the sale of the Royal Bank office building and adjacent land, at 18-32 James Street South, it is recommended:

- (a) That the City, as owner of the MacNab Street truck tunnel that abuts the rear of and is used by the said James Street office building, grant its consent to Canadian Realty Revenue Properties Ltd., to:
 - (i) assign its easement in the City's MacNab Street truck tunnel, to the new owner of 18-32 James Street South, subject to the requirements in this resolution (easement dated November 1, 1990 and registered as Instrument Nos. 073575 and LT297202);
 - (ii) assign its easement in the City's underground Areaway which links the said tunnel with the property known as 18-32 James Street South; (easement dated June 13, 1972, section 3(g); and,
- (b) That the City issue an Estoppel Certificate to the new owner of 18-32 James Street South property, to confirm that the MacNab Street truck tunnel easement and areaway easement are in good standing, such Certificate to be prepared in a form satisfactory to Corporate Counsel; and,
- (c) That the foregoing be subject to the following conditions:
 - (i) the new owner enters into an Assumption Agreement with the City;
 - (ii) satisfactory evidence of corporate authority for the foregoing and solicitors' opinions and such third party consents as the Corporate Counsel may advise;
- (d) That the Mayor and Acting Municipal Clerk be authorized to execute documents to implement the foregoing in a form satisfactory to Corporate Counsel.

D-2 Request for Authority to Issue Tenders for Purchase of two Rapid Response Units - Hamilton Fire Department (CSC00110)

- (a) That the Fire Chief be authorized to issue tenders for the acquisition of two Rapid Response vehicles in accordance with Purchasing Policy guidelines with said vehicles to be deployed in the downtown area of the

City of Hamilton as per the concepts outlined in the Fire Department Three Year Business Plan; and,

- (b) That a budget of \$450,000 be established for these purchases; and,
- (c) That the Finance and Administration Committee be requested to identify a source or sources of funding; and,
- (d) That these recommendations be forwarded to the Transition Board for consideration and approval.

D-3 Sale of Fire Grumman Aerial Truck (CSC00109)

- (a) That in accordance with the Hamilton Fire Department Business Plan, and as a result of the tender process conducted in accordance with City Purchasing Policy, that the bid of \$250,000 exclusive of taxes for Aerial Truck No. 4, 1992 Grumman Aerial truck from the City of Peterborough be accepted; and,
- (b) That the proceeds from the sale of the vehicle be applied to COHAM47606-480051002 Fire Vehicle Apparatus Replacement; and,
- (c) That the recommendations contained in this report be forwarded to the Transition Board for approval.

D-4 Amalgamation of Fire Services (CSC00114)

- (a) That Hamilton City Council support the June 5th, 2000 resolution of the Town of Dundas and June 29th 2000 resolution of the Town of Ancaster:

"That the Transition Board be requested to initiate Region wide discussions to amalgamate the area Municipal Fire Departments into a single department, rather than wait until January 1, 2001."; and

- (b) That Council support the June 29th 2000 recommendation of the Town of Ancaster:

"That Council request that the City of Hamilton allow Chief Glen Peace to be designated Chief of the Ancaster Department."; and

- (c) That Chief Peace be remunerated by the City of Hamilton on an hourly rate basis for this additional duty which shall be over and above his current duties; and

- (d) That the Hamilton Fire Department be authorized to provide additional services to the Town of Ancaster from the Administration, Mechanical, and Operations Divisions on an "as required" basis, beyond the terms of the Mutual Aid Agreement; and
- (e) That an appropriate agreement between the Town of Ancaster and the City of Hamilton be drafted to the satisfaction of Corporate Counsel and include the following conditions:
 - (i) There will be no reduction of service in the City of Hamilton
 - (ii) The City of Hamilton will be fully reimbursed for all services rendered by the Town of Ancaster via monthly invoices; and
- (f) That these recommendations be forwarded to the Transition Board for consideration and approval.

D-5 Funding Source for Traffic Signal Installation at the Intersection of James Street North and Picton Street, in the City of Hamilton (FIN00077)

- (a) That as referred to in Section A-3 of the Committee of the Whole/City Council report being presented to its meeting being held on July 4, 2000, that the cost of installation of a Traffic Signal at James Street North at Picton Street be funded from within the approved 2000 Capital Budget Project – Traffic Signal Modernization (approved amount - \$66,000), and if the additional project cannot be absorbed from within the approved overall Corporate Capital budget, then lastly will come from the Capital Projects – General Reserve (COHAM 100015); and,
- (b) That as per the regulation made under the City of Hamilton Act, 1999, the project be referred to the Transition Board for consideration since it was not included in the initial approved 2000 budget for capital projects.

D-6 Authorization to enter into an Extension Agreement on a specific property for the payment of realty tax arrears (FIN 00080)

- (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of the property at 57 Fairholt Road South to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994; and,

- (b) That the By-law to authorize the said Extension Agreement be enacted by City Council; and,
- (c) That the Mayor and the Acting Municipal Clerk be authorized to execute the aforesaid by-law and extension agreement.

D-7 1999 City of Hamilton Financial Statements (FIN00073)(copy to follow)

D-8 Bills

- (a) Bill D-028 A By-law to authorize an Extension Agreement for payment of Realty Tax Arrears
- (b) Bill D-029 A By-law to confirm the proceedings of City Council

D-9 That the following items be received for information:

- (a) Minutes of the meeting of the Joint Meeting Session of the City Finance and Administration Committee and the Region Finance and Administrative Services Committee held on Tuesday, June 6, 2000
- (b) Minutes of the meeting of the Joint Meeting Session of the City Finance and Administration Committee and the Region Finance and Administrative Services Committee held on Tuesday, June 20, 2000
- (c) Information Report – Acting City Manager – Telephone Contact with City Hall – Customer Service (CM0016)

PRIVATE AND CONFIDENTIAL AGENDA

E-1 55 Melrose Avenue South – Unassumed Alley (T&E)

NOMINATING COMMITTEE

F-1 Appointment of the Chairman of the Committee of the Whole

That Alderman _____ be appointed Chairman of the Committee of the Whole for the months of September, October and November, 2000.

Ward 2

- (a) William Pinkney, 6 Ravenscliffe Avenue, has requested that the existing full-time "No Parking" regulation on the west side of Ravenscliffe from Aberdeen to 122 feet southerly be extended an additional 150 feet in front of his property.
- (b) Peter Howison, 310 Caroline Street South, has requested that the existing "Permit Parking" regulation on the west side of Caroline, in front of his home, be removed as he is moving.
- (c) Ly Tran, owner of King Pharmacy, 85 Hess Street North, has requested that the existing "No Parking" regulation on the west side of Hess in front of the store be changed to a full-time "30 Minute Parking Time Limit" regulation.

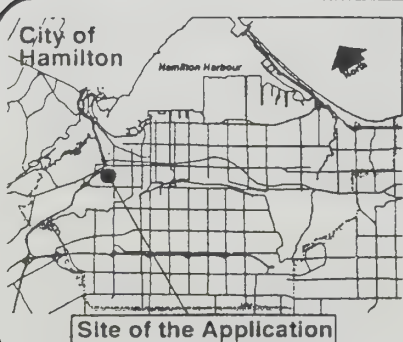
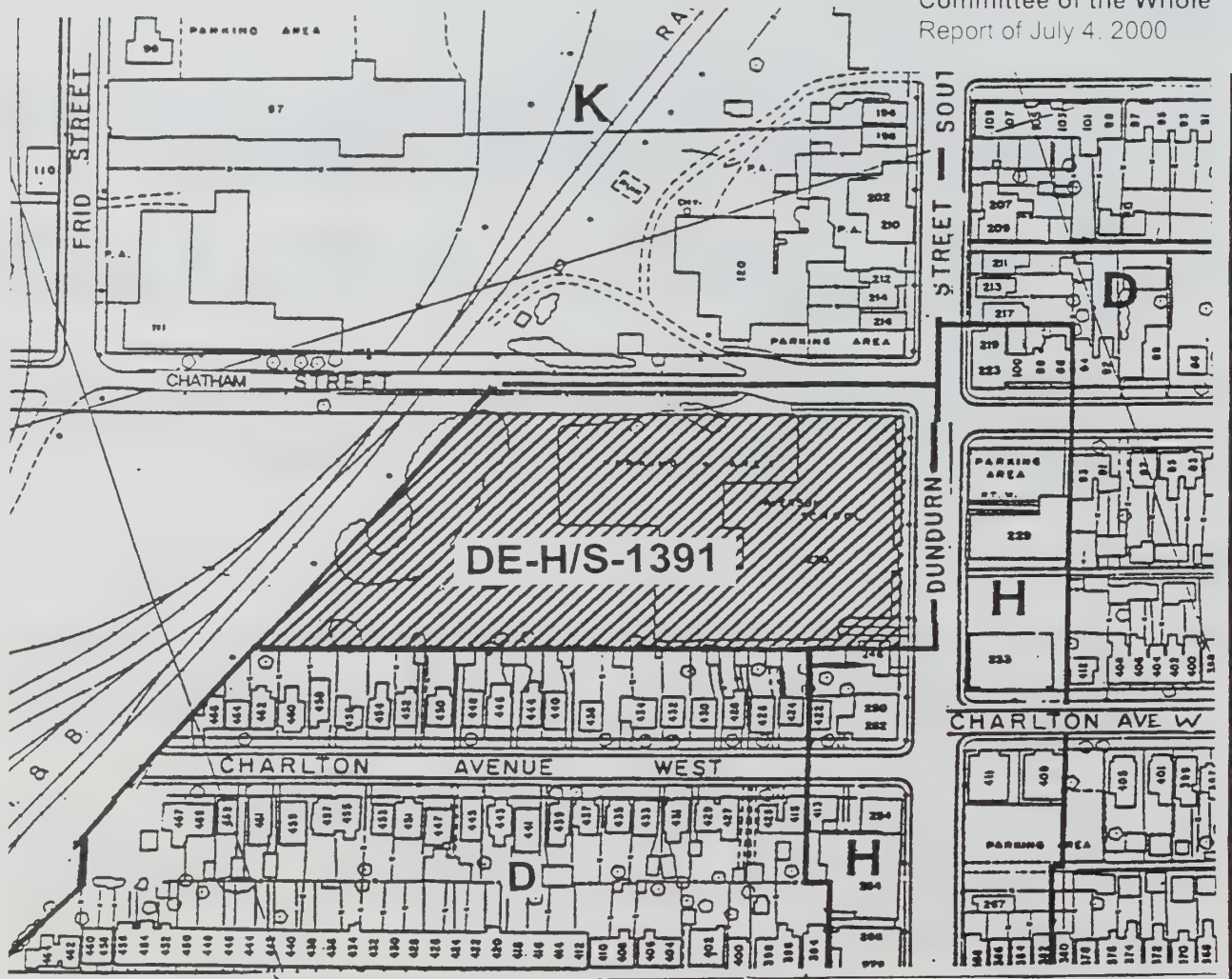
Ward 4

- (a) Mrs. Pater, 21 Bayfield Avenue, has requested that a "Wheelchair Loading Zone, 8:00 am to 6:00 pm, Seven Days a Week" regulation be implemented on the west side of Bayfield, directly in front of her home, as she requires the use of DARTS vehicles.
- (b) Adele Rayment, Administrator of Lloyd George Elementary School, 360 Beach Road, has requested that a "School Bus Loading Zone, 7:00 am to 6:00 pm, Monday to Saturday" regulation be implemented on the west side of Agincourt, adjacent to the school.

Ward 7

- (a) Alderman Terry Anderson has forwarded a petition signed by representatives of 15 of the 20 homes abutting East 21st between Franklin and the south property line of No. 391 East 21st Street requesting that an "Alternate Side Parking" regulation be implemented on this section of East 21st. Fourteen of the residents are in favour of the requested regulation and one is opposed.

Appendix "A" referred
to in Section C-1 of the
Committee of the Whole
Report of July 4, 2000



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Site of the Application

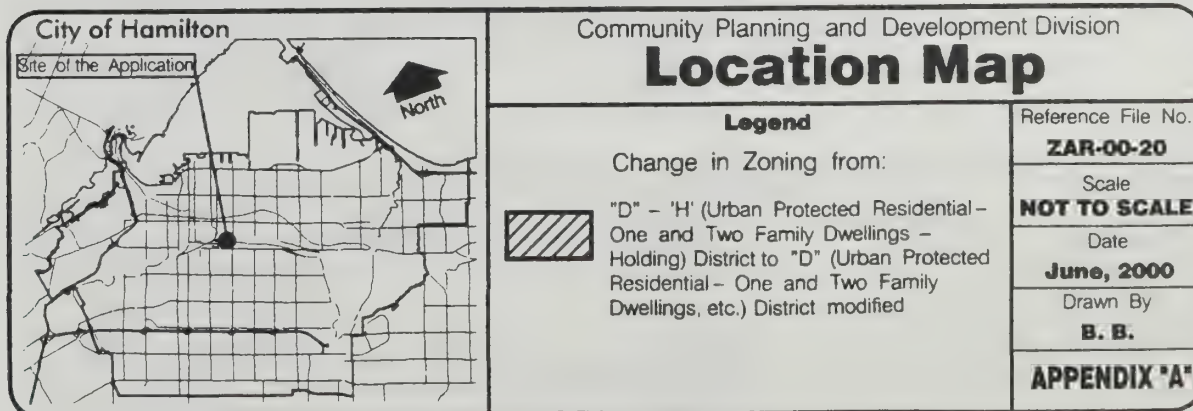
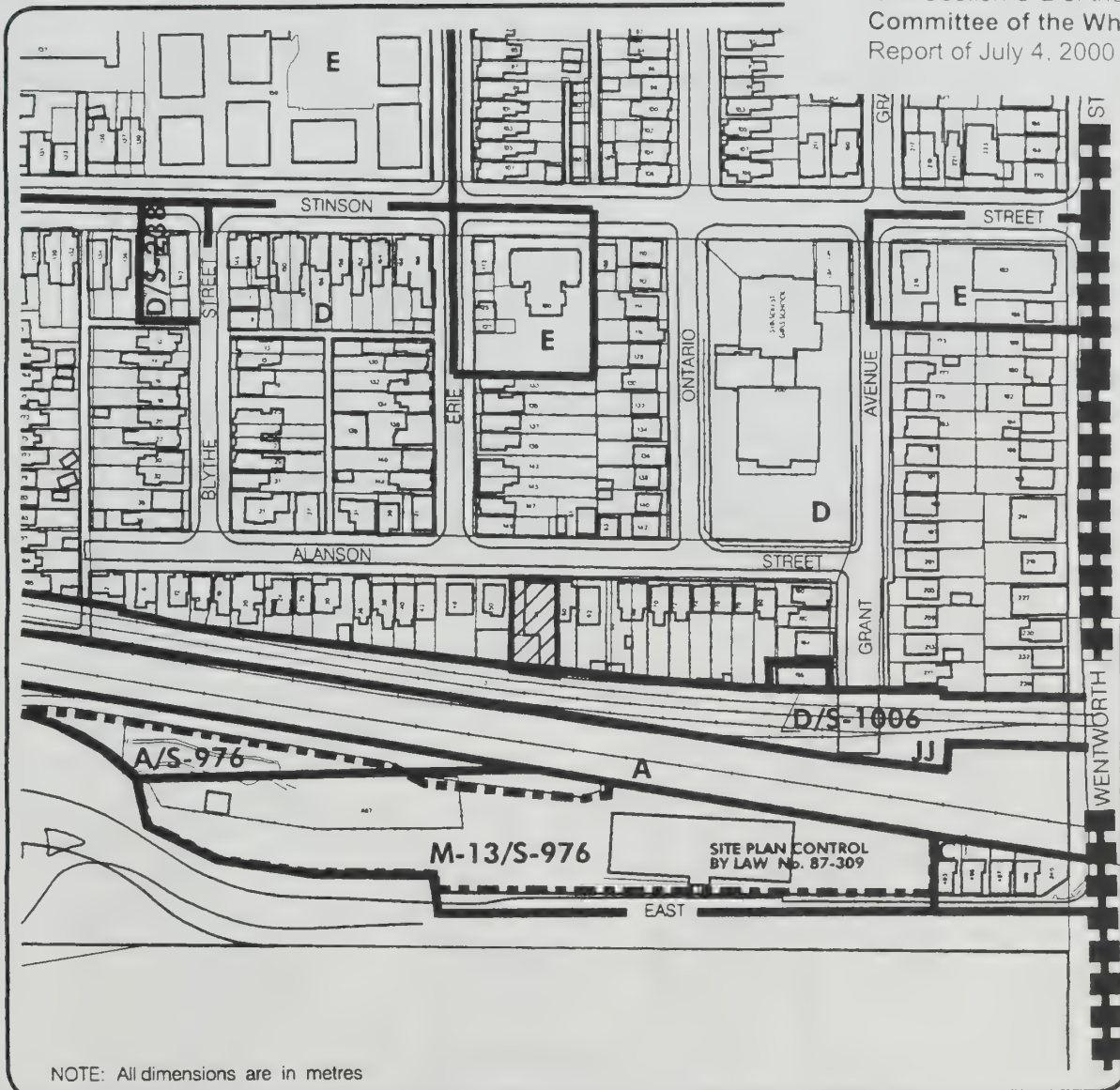
Reference file:
ZAR-00-19

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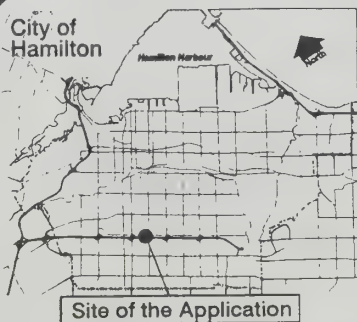
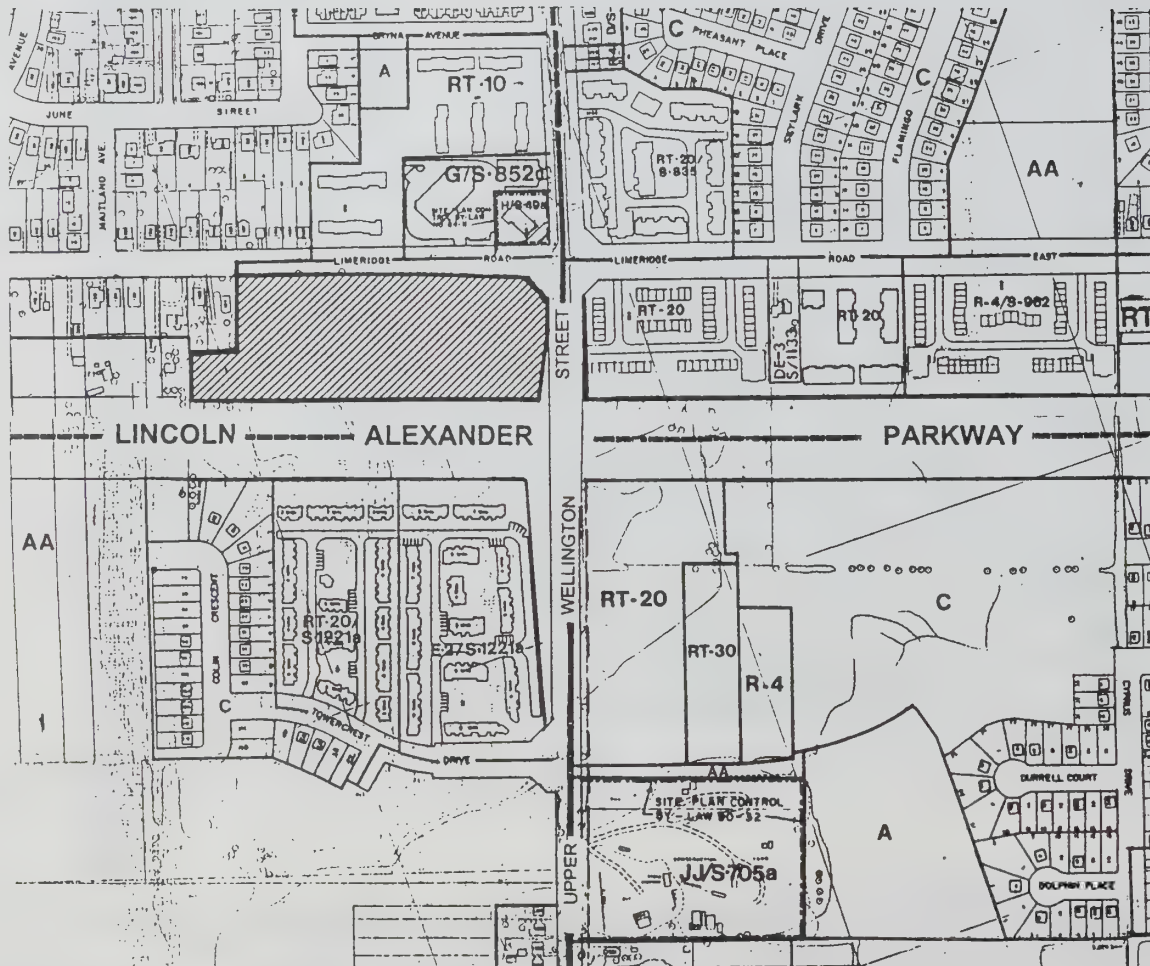
Date
JUNE, 2000

Technician:
D.L.

Appendix "B" referred
to in Section C-2 of the
Committee of the Whole
Report of July 4, 2000



Appendix "C" referred
to in Section C-4 of the
Committee of the Whole
Report of July 4, 2000



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

 Lands to be placed under Site Plan Control

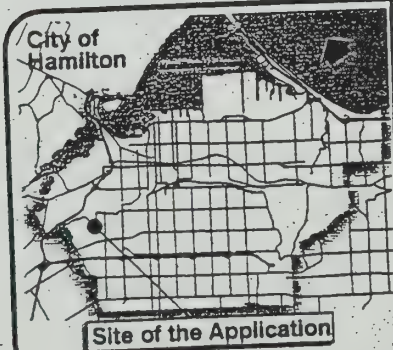
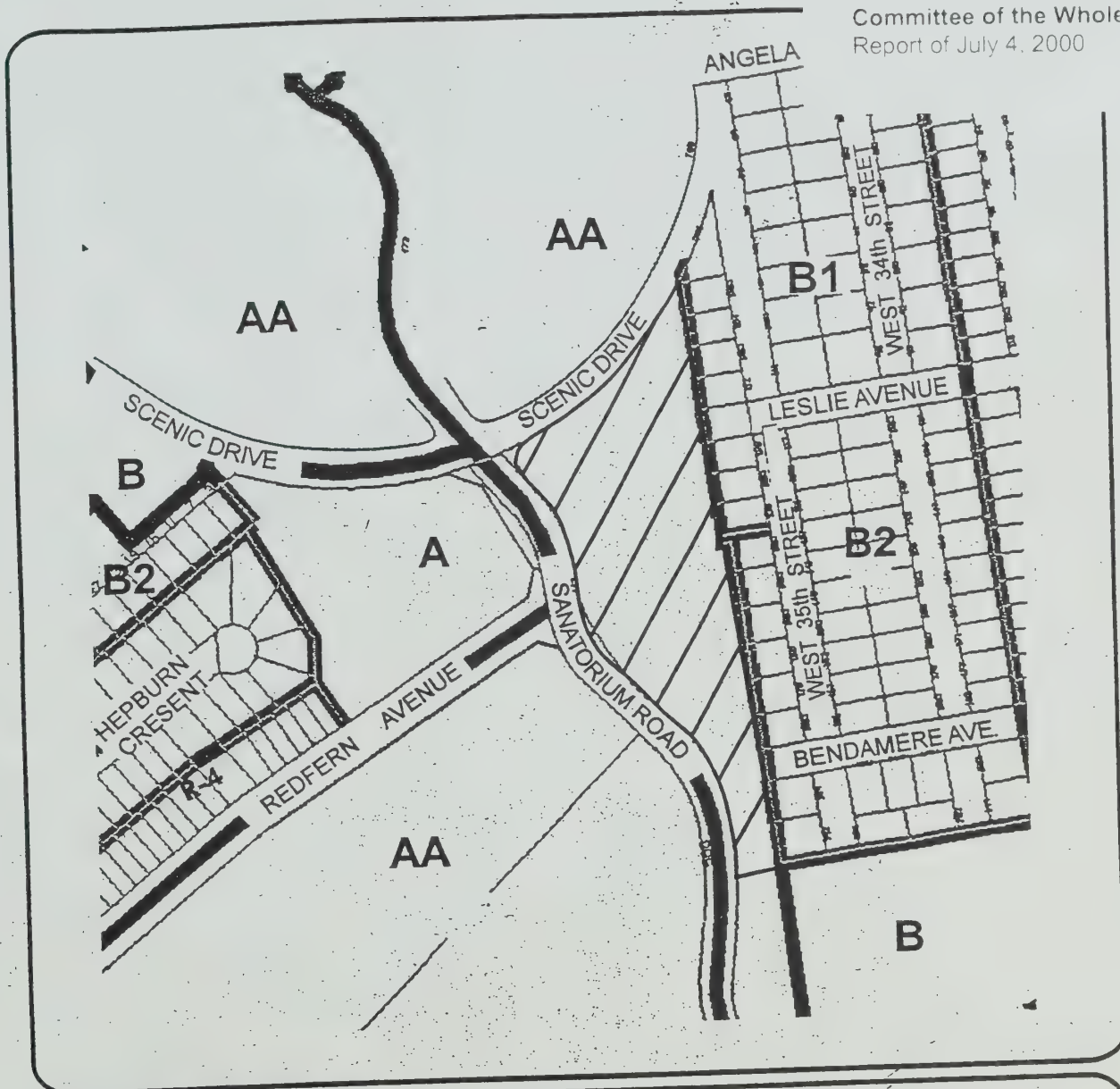
Reference file:

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Date
June 2000

Technician:
PB

Appendix "D" referred
to in Section C-6 of the
Committee of the Whole
Report of July 4, 2000



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application

Further modification to the "AA" (Agricultural District.)

Reference file:
ZAC-00-17

Scale
Not to Scale

Date
May, 2000

Technician:
JS

APPENDIX 'A'

NOMINATING COMMITTEE



REPORT

CITY OF HAMILTON NOMINATING COMMITTEE

Tuesday, July 4, 2000
(immediately preceding the formal meeting
of City Council)
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

**YOUR COMMITTEE PRESENTS REPORT 04-00 AND RESPECTFULLY
RECOMMENDS:**

1. Appointment of the Chairman of the Committee of the Whole

That Alderman be appointed Chairman of the Committee of
the Whole for the months of September, October and November, 2000.

**Mayor R. M. Morrow, Chairman
Nominating Committee**

Kevin C. Christenson, Secretary

NOTICES OF MOTION
FROM PREVIOUS MEETING

NOTICE OF MOTION FROM PREVIOUS MEETING

Alderman Collins gave notice that he would move at the next regular meeting of City Council the following motion respecting free downtown parking:

- a) That free on-street parking in the Downtown Core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered for the months of July and August, 2000, and that the financing required to cover the lost revenues be found within the projected 2000 surplus in the Parking Services Section (381,850); and,
- b) That on-street parking in the downtown core be limited to 2 hours from 8:00 a.m. to 6:00 p.m., Monday to Saturday; and,
- c) That should a portion of the required funding not be available through the sources indicated in Sub-Section (a), the Finance and Administration Committee be requested to recommend the method of financing; and,
- d) That the City Traffic By-law No. 89-072 be amended accordingly; and,
- e) That Regional Council be requested to amend the Regional Traffic By-law R89-038; and,
- f) That staff report back, after consultation with various stakeholders such as the International Village and Downtown B.I.A.'s, with the results of the program; and

That the Transition Board be requested to deal with the matter no later than July 1st, 2000.

NOTICE OF MOTION FROM PREVIOUS MEETING

Alderman Charters gave notice that he would move at the next regular meeting of City Council the following motion respecting Smoking in Public Places and the Workplace:

That the following amendments to By-law 98-140 be approved:

- a) That By-law No. 98-140 respecting Smoking in Public Places and the Workplace be amended by:
 - i) extending the date for restaurants to provide designated smoking areas or to become smoke free from "May 31, 2000" in Subsection 5(2) and inserting the date of "March 31, 2001" in lieu thereof.
 - ii) removing the word "patios" from the six line of part (a) of the definition of "public place" under section 1 of the by-law
 - iii) inserting the following subsection (2) of Section 1 of the by-law:

"(2) Notwithstanding the provisions of this by-law, smoking is permitted in that part of a restaurant or the area operated as a restaurant, which part of area is an outdoor patio, and which patio lacks either a roof or walls, other than up to two walls which walls are the exterior of a wall of the restaurant.
- b) That the appropriate by-laws to amend By-law 98-140 be passed and enacted;
- c) That in all other respects By-law 98-140 as amended is confirmed without change



REFERENCE REPORTS

CITY OF HAMILTON CITY COUNCIL

(available online at www.city.hamilton.on.ca/hccnet)

Tuesday, July 4, 2000
immediately following Regional Council
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Kevin C. Christenson,
Acting Municipal Clerk

TRANSPORT AND ENVIRONMENT COMMITTEE

- A-1** Routine Traffic Amendments to the City of Hamilton Traffic By-law 89-72 – City Committee of the Whole Meeting – July 4, 2000 (PWT00126)
- A-2** Hunter Street East, east of James Street South, and Young Street, east of James Street South – Parking Regulations (PWT00116)
- A-3** Intersection of James Street North and Picton Street, City of Hamilton – Traffic Signal Installation (TOE00010)
- A-4** Westdale Village B.I.A. – “Dance the Night Away” Street Dance – Friday, September 8, 2000 (PWT00128)
- A-5** Petition to Remove Aberdeen Avenue from the “Through Street” System (PWT00083)
Note: Tabled from June 19, 2000 Transport and Environment Committee meeting.
- A-6** Locke Street South – Various Sidewalk Encumbrances (PWT00114)
Note: Tabled from June 19, 2000 Transport and Environment Committee meeting.
- A-7** To Incorporate certain City Land into Various Streets by By-laws (TOE00011)
- A-8** Declaration of Surplus Property – 583 Upper Wellington Street – Municipal Car Park #9a (PWT00110)
Note: Tabled from June 27, 2000 City Council meeting.
- A-9** \$1,000 Permit Fee for Film and Television Production (PDR00123) (Referral from Regional Council)

A-10 Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-035 Being a By-law to incorporate City land designated as Part of Block 30 on Plan 62M-710, being Part 3 on Plan 62R-13389, save and except Part 2 on Plan 62R-14168 into Appleblossom Drive.
- (b) A-036 Being a By-law to incorporate City land designated as Parts 1, 4, 5, 8, 9, 11, 15 and 26 on Plan 62R-15419 into Eaglewood Drive
- (c) A-037 Being a By-law to incorporate City land designated as Part 4 on Plan 62R-14109 into Elmore Drive
- (d) A-038 Being a By-law to incorporate City land designated as block 23 on Plan 62M-853 into Meadowpoint Drive
- (e) A-039 Being a By-law to incorporate City land designated as Block 38 on Plan 62M-778 into Piano Drive.
- (f) A-040 Being a By-law to incorporate City land designated as Part 3 on Plan 62R-15301 into Ferguson Avenue.
- (g) A-041 Being a By-law to incorporate City land designated as Part 2 on Plan 62R-15305 into Rebecca Street.
- (h) A-042 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (i) A-043 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (j) A-044 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (k) A-045 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.

A-11 For the information of City Council:

- (a) Minutes of the June 19, 2000 meeting of the Transport and Environment Committee
- (b) Department of Public Works and Traffic Smog Response Plan 2000 (PWT00127)
- (c) Royal Canadian Mint – Issuance of New Canadian Coins (PWT00130)

PARKS AND RECREATION COMMITTEE

- B-1** Sale of Alcoholic Beverages in Globe Park - Hamilton and District Slo-Pitch League (CSC00108)
- B-2** Sale of Alcoholic Beverages - Mohawk Sports Park - Hamilton Hornets Rugby Club - August 13, 2000 (CSC00115)
- B-3** Amusement Rides in Parkdale Park - Approval Required by Parks By-law No. 95-126 (CSC00111)
- B-4** For the information of City Council:
 - (a) Minutes of the Parks and Recreation Committee - June 19, 2000

PLANNING AND DEVELOPMENT COMMITTEE

- C-1** Request for a removal of the 'H' Holding Provision for lands located at No. 220 Dundurn Street South ZAR-00-19 (PDC00121)
- C-2** Request for removal of the 'H' Holding provision for lands located at No. 54-56 Alanson Street ZAC-0020 (PDC00122)
- C-3** Core Heritage 2000 Program-173 King Street East, Hamilton (HSB00010)
- C-4** Proposed Site Plan Control By-law for lands located at No. 164 Limeridge Road East - (PDC00117)
- C-5** Site Plan Fees – Hamilton Beach Strip (PDC00119)
- C-6** Re-zoning for the South East Corner of Sanatorium Road and Scenic Drive ZAC-00-17 (PDC00105) (previously tabled from June 21, 2000 meeting)
- C-7** Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-040 A By-law To Amend Zoning By-law No. 6593 As Amended By Zoning By-law No. 98-24 Respecting Lands Located at Municipal No. 220 Dundurn Street South.
- (b) C-041 A By-law To Amend Zoning By-law No. 6593 As Amended By Zoning By-law No. 99-136 Respecting lands located at Municipal Nos. 54 and 56 Alanson Street.

- (c) C-042 A By-law To Establish Site Plan Control Respecting land located at Municipal No. 164 Limeridge Road East.

C-8 For the information of City Council:

- (a) Minutes of the June 21, 2000 meeting of the Planning and Development Committee
- (b) Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PWT00122)

FINANCE AND ADMINISTRATION COMMITTEE

- D-1** Addition of First Real Properties Limited, new owner of 18-32 James Street South, to City's MacNab Street truck tunnel easements
- D-2** Request for Authority to Issue Tenders for Purchase of two Rapid Response Units - Hamilton Fire Department (CSC00110)
- D-3** Sale of Fire Grumman Aerial Truck (CSC00109)
- D-4** Amalgamation of Fire Services (CSC00114)
- D-5** Funding Source for Traffic Signal Installation at the Intersection of James Street North and Picton Street, in the City of Hamilton (FIN00077)
- D-6** Authorization to enter into Extension Agreements on specific properties for the payment of realty tax arrears (FIN00080)
- D-7** 1999 City of Hamilton Financial Statements (FIN00073)(copy to follow)
- D-8** **Bills**

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) Bill D-028 – A By-law to authorize an Extension Agreement for payment of Realty Tax Arrears
- (b) Bill D-029 – A By-law to confirm the proceedings of City Council

D-9 For the information of City Council:

- (a) Minutes of the meeting of the Joint Meeting of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee held on Tuesday, June 6, 2000
- (b) Minutes of the meeting of the Joint Meeting of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee held on Tuesday, June 20, 2000
- (c) Telephone Contact with City Hall - Customer Service (CM0016)

PRIVATE AND CONFIDENTIAL AGENDA (Distributed under separate cover)

E-1 55 Melrose Avenue South – Unassumed Alley (LS00009) (T&E)

CITY OF HAMILTON
- RECOMMENDATION -

A-1.

DATE: June 20, 2000
File No. TEC- 052-00 / Author: Various

REPORT TO: Chairman and Members
City Committee of the Whole

FROM: Charles Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Routine Amendments to the City Traffic By-law 89-72
City Committee of the Whole Meeting (T&E) – July 4, 2000
(PWT00126)

RECOMMENDATION:

That the requests for routine amendments listed herein be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

Charles Guthro

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

BACKGROUND:

Staff has received several requests/petitions for routine changes to existing on-street parking regulations and/or intersection control on City streets. Staff has investigated and concurs with the following requests.

1. Ward 2
 - (a) William Pinkney, 6 Ravenscliffe Avenue, has requested that the existing full-time "No Parking" regulation on the west side of Ravenscliffe from Aberdeen to 122 feet southerly be extended an additional 150 feet in front of his property.
 - (b) Peter Howison, 310 Caroline Street South, has requested that the existing "Permit Parking" regulation on the west side of Caroline, in front of his home, be removed as he is moving.
 - (c) Ly Tran, owner of King Pharmacy, 85 Hess Street North, has requested that the existing "No Parking" regulation on the west side of Hess in front of the store be changed to a full-time "30 Minute Parking Time Limit" regulation.

2. Ward 4

- (a) Mrs. Pater, 21 Bayfield Avenue, has requested that a "Wheelchair Loading Zone, 8:00 am to 6:00 pm, Seven Days a Week" regulation be implemented on the west side of Bayfield, directly in front of her home, as she requires the use of DARTS vehicles.
- (b) Adele Rayment, Administrator of Lloyd George Elementary School, 360 Beach Road, has requested that a "School Bus Loading Zone, 7:00 am to 6:00 pm, Monday to Saturday" regulation be implemented on the west side of Agincourt, adjacent to the school.

3. Ward 7

- (a) Alderman Terry Anderson has forwarded a petition signed by representatives of 15 of the 20 homes abutting East 21st between Franklin and the south property line of No. 391 East 21st Street requesting that an "Alternate Side Parking" regulation be implemented on this section of East 21st. Fourteen of the residents are in favour of the requested regulation and one is opposed.

MBH

MBH/kag

CITY OF HAMILTON
- RECOMMENDATION -

A-2.

DATE: June 15, 2000
File No. TEC-049-00 / Author: T. Arnold

REPORT TO: Chairman and Members
City Committee of the Whole

FROM: Charles Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Hunter Street East, east of James Street South, and Young Street,
east of James Street South – Parking Regulations (PWT00116)
(T&E)

RECOMMENDATION:

- (a) That a portion of the existing "No Parking" loading zone on the south side of Hunter Street East be replaced by one-hour parking meters commencing 132 feet east of James Street South and extending to a point 65 feet easterly; and,
- (b) That the existing fulltime "No Parking" regulation on the north side of Young Street between James Street South and John Street South be replaced by two-hour parking meters; and,
- (c) That the existing "No Stopping, 4pm to 6pm, Monday to Friday" regulation on both sides of Young Street between James Street South and John Street South be removed; and,
- (d) That the City Traffic By-law 89-72 be amended accordingly.

Charles Guthro

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required. Sufficient funds are available in the 2000 operating budget to cover the cost of removing the existing signs and installing the new parking meters. These costs will be off-set to some degree by the revenue generated by these meters.

SUBJECT: Hunter Street East, east of James Street South,
and Young Street, east of James Street South
– Parking Regulations (PWT00116)

Page 2

BACKGROUND:

Staff, in an on-going effort to increase parking in the downtown and surrounding area, has determined that parking meters can be allowed on the streets noted above, without having any serious impact on the existing traffic flow (map attached).

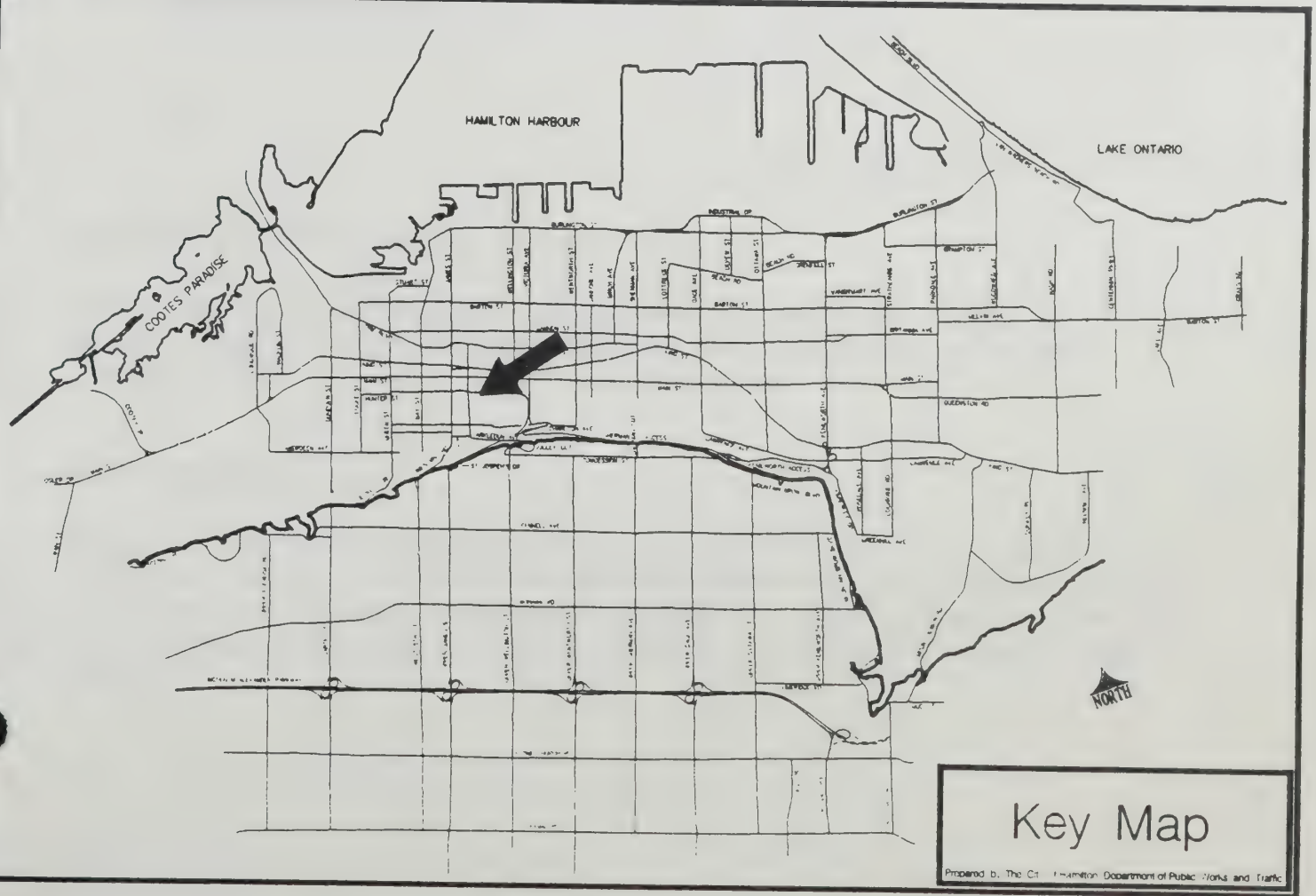
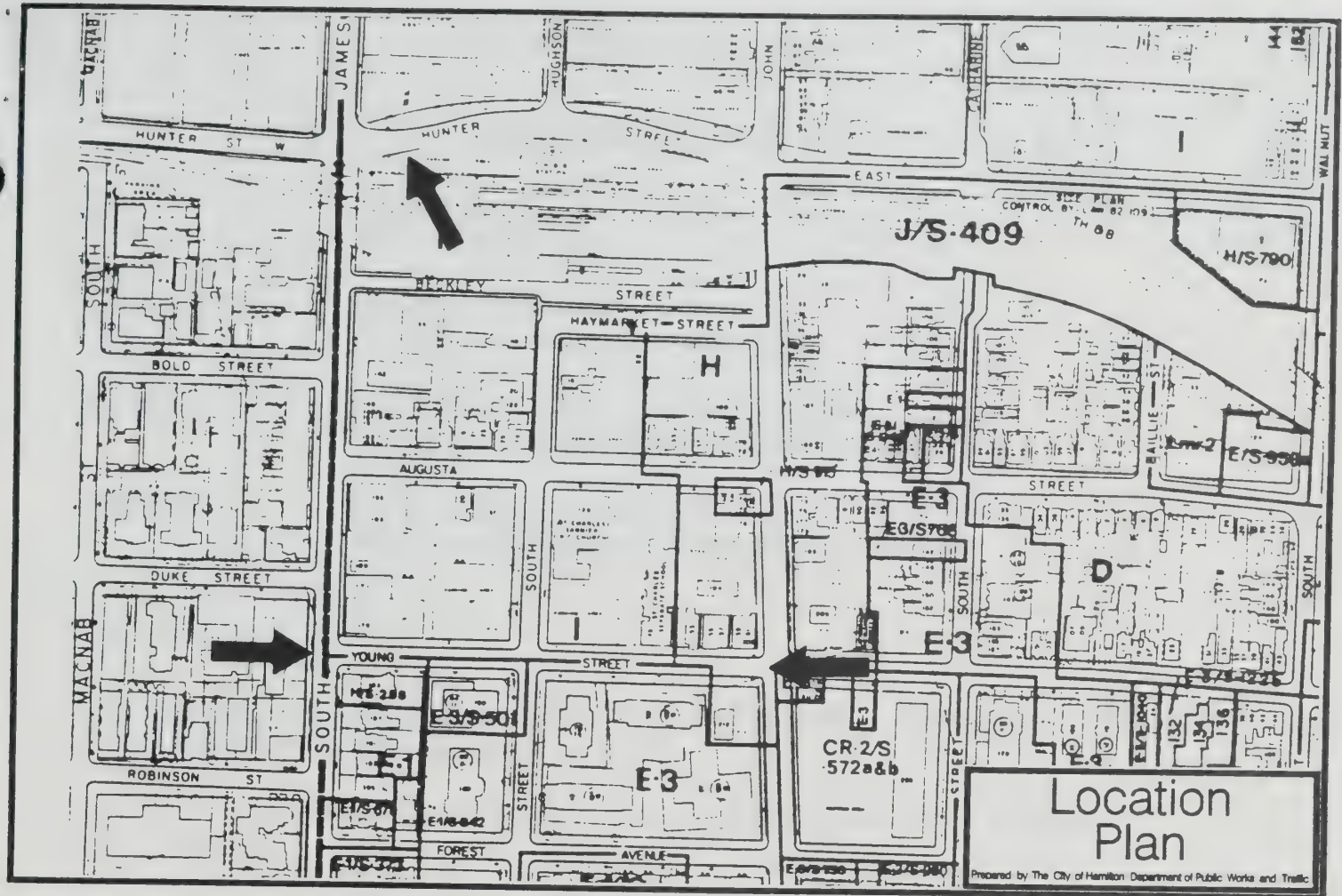
Presently, there is a full-time "Loading Zone" regulation on the south side of Hunter from James to Hughson. This regulation was designated for use by patrons of the Go Station and it has been observed that the entire area is not being utilized to its potential, while there is a shortage of parking in the area. Designating a portion of this area for parking meters, will to some degree, alleviate the parking shortage but maintain some curb space for loading/unloading.

Staff has received a request from Mr. Chiarot, owner of Bronzies Place, 10 Young Street, that parking meters be installed on Young between James and John. Young has a 35 foot pavement width, and presently, there is a fulltime "No Parking" regulation on both sides of the street in conjunction with an evening rush hour stopping prohibition.

The pavement width of Young is sufficiently wide enough to allow parking on one side of the street while maintaining one traffic lane in each direction. In reviewing the current traffic volumes it is no longer necessary to maintain the rush hour prohibition.

In order to increase the availability and turnover of parking staff recommend these changes to the existing parking regulations.

TA/MBH/str



CITY OF HAMILTON

- RECOMMENDATION -

A-3.

DATE: 2000 June 13
Author: M.L.S. Tam


REPORT TO: Chairman and Members
City Committee of the Whole (T&E)

FROM: A. F. Leitch, P. Eng., General Manager
Transportation, Operations and Environment

SUBJECT: Intersection of James Street North and Picton Street,
in the City of Hamilton - Traffic Signal Installation (TOE00010)

RECOMMENDATION:

- (a) That a Pedestrian Priority Traffic Signal be installed on James Street North at Picton Street in the City of Hamilton;
- (b) That the Committee of the Whole be requested to recommend a source of funding;
- (c) **That in accordance with the Guidelines issued, this Report does not require Transition Board approval.**



A. F. Leitch, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The estimated cost for the proposed signal installation is \$35,000. The 2000 City of Hamilton budget for new traffic signals been completely allocated to other works. Therefore an alternate source of funding will be required.

BACKGROUND:

In May, Alderman Horwath requested a review of traffic conditions on James Street North due to an apparent increase of traffic while watermain construction was underway on Wellington Street North. It was also suggested that three school-aged children were hit crossing James Street North in the area near Ferrie Street West in the last three months.

**SUBJECT: Intersection of James Street North and Picton Street
in the City of Hamilton – Traffic Signal Installation (TOE00010)**

Page 2

James Street North is a four-lane two-way street from Burlington Street to Barton Street. Parking is allowed at appropriate locations along both sides of the street. A pedestrian priority signal is located at Simcoe Street and a signed school crosswalk with school crossing guard at Ferrie Street West.

In this stretch of James Street North, there have been ten pedestrian collisions in the last ten years and nine of them involved school aged children. Six of these collisions occurred between Macauley Street and Ferrie Street which is the area that the proposed signal would serve. Two school-aged children were hit in 2000. Apparently, the alleged third child collision has not been reported to the police.

It should be noted that, since the pedestrian signal at James Street North and Simcoe Street was installed in 1994, there have not been any pedestrian collisions at that intersection. The pedestrian signal has been very effective in assisting pedestrians to cross James Street North safely.

Pedestrian activity was previously investigated. There were approximately 450 pedestrians crossing James Street North at or near Picton Street during the hours of the pedestrian study. Public transit stops also exist on James Street North near the intersection. In the neighbourhood on the east side of James Street North, there are schools, a public library, and recreation facilities. These add to the pedestrian activity on the street.

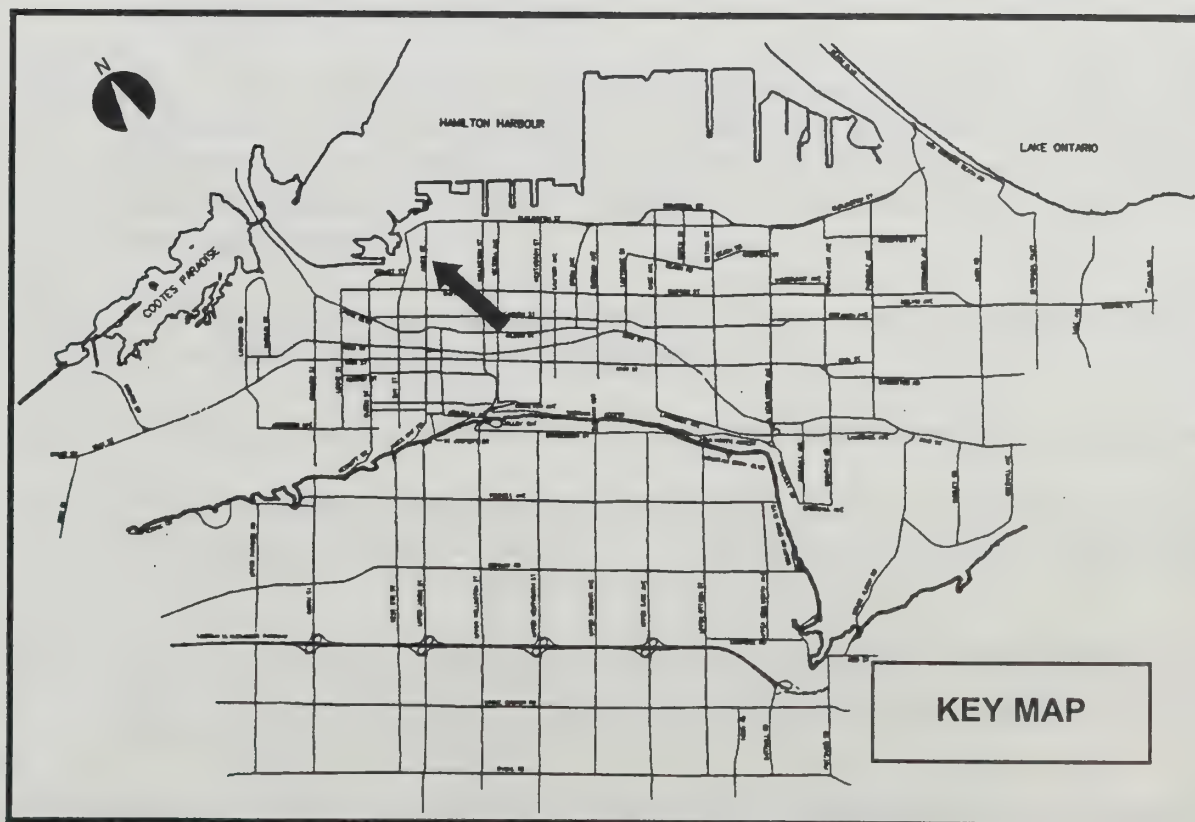
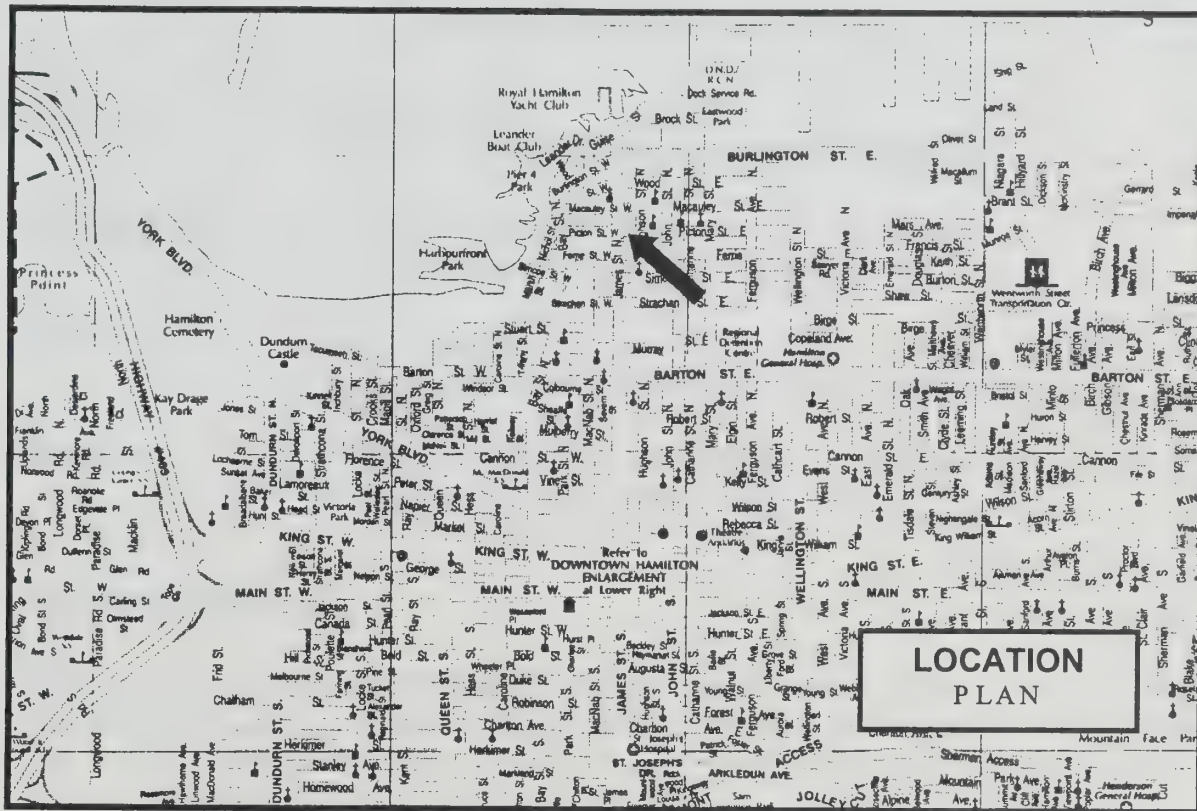
Signals scoring 90-100 points or more on the pedestrian priority warrant system are generally recommended and this intersection scores 101 points.

Picton Street is about 220 metres from the pedestrian signal at Simcoe Street which exceeds the 200 metre minimum in the Council approved criteria. A second pedestrian priority signal should not unduly affect vehicular flow as the signal would only stop vehicular traffic when actuated by pedestrians.

A traffic signal at this location should improve safety. Walking and public transit are sustainable modes of transport, and the proposed signal would encourage these modes by making it easier to cross James Street North and to access the public transit stops near the intersection. Thus, a pedestrian priority signal is recommended on James Street North at Picton Street.

MLST/HLS/

Attach.



CITY OF HAMILTON
- RECOMMENDATION -

A-4.

DATE: June 21, 2000
File No.: TEC-053-00 / Author: G. Kirchknopf

REPORT TO: Chairman and Members
City Committee of the Whole (T&E)

FROM: Charlie Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Westdale Village B.I.A. – "Dance The Night Away" Street Dance
Friday, September 8, 2000 (PWT00128)

RECOMMENDATION:

That the application by the Westdale Village B.I.A. to temporarily close King Street West and parkettes between Marion and Paisley on Friday, September 8, 2000 between 4:30 pm and 12:00 midnight, to hold their annual "Dance The Night Away" street dance, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police, or his designate, be received, and that such permits or authorizations as may be required by the Chief of Police, or his designate, be obtained; and
- (b) That prior to the event, the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss; and
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police, or his designate; and
- (d) That all barricading be supplied by and at the expense of the applicant; and
- (e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and

SUBJECT:

Westdale Village B.I.A. – "Dance The Night Away"
Street Dance - Friday, September 8, 2000 (PWT00128)

Page 2

- (h) That all property owners and tenants within the closure area of the route be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and
- (i) That the Alcohol and Gaming Commissioner of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by The Westdale Village B.I.A. to serve alcohol on the north and south side parkettes adjacent to King Street West between Marion and Paisley, from 5:30 pm to 12 midnight on September 8, 2000 and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event; and
- (j) That the applicant be granted an exemption from the City of Hamilton's Noise By-law No. 79-292 to allow music to be played until 12 midnight for this event and that a noise control officer monitor the event and be in attendance if necessary, at the expense of the applicant; and
- (k) The applicant will reimburse the City for the loss of parking meter revenues (if any) as determined by the Manager of Community Traffic and Parking Services.

Charles Guthrie

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

BACKGROUND:

A request has been received from the Westdale Village B.I.A. to temporarily close King Street West and parkettes between Marion Avenue and Paisley Avenue on Friday, September 8 from 4:30 pm to 12 midnight to hold a street dance.

This is an annual event for the Westdale Village B.I.A. to close King Street West in this immediate area to host a community event. This year the applicant is proposing a "Dance the Night Away" street dance.

Hamilton Street Railway will provide detour routes consisting of the following:

Westbound buses will detour on the south side of King Street along Cline Avenue between Sterling Street and King Street.

Eastbound buses will detour on the north side of King Street along North Oval between Sterling Street and King Street.

SUBJECT:

Westdale Village B.I.A. – "Dance The Night Away"
Street Dance - Friday, September 8, 2000 (PWT00128)

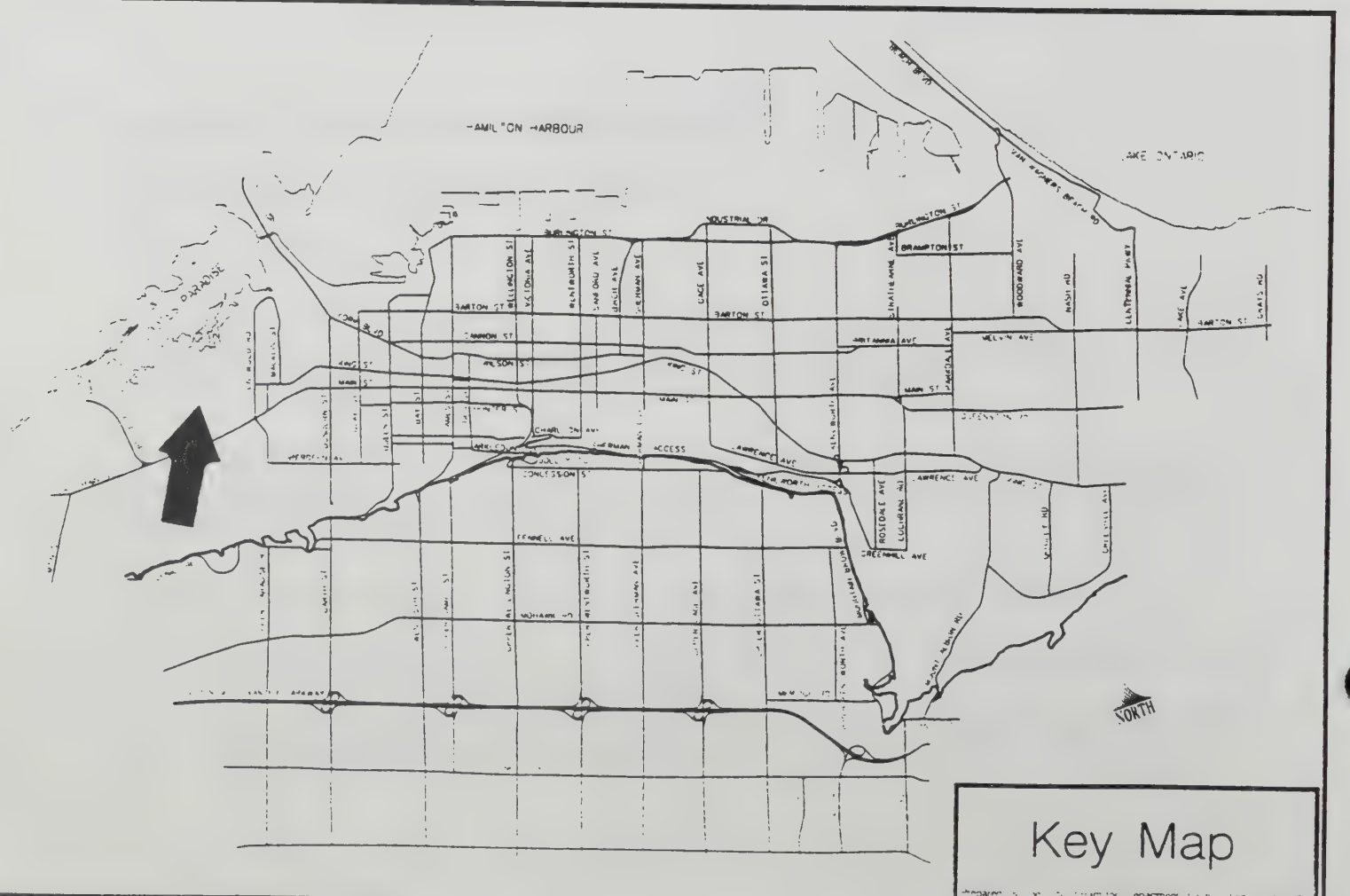
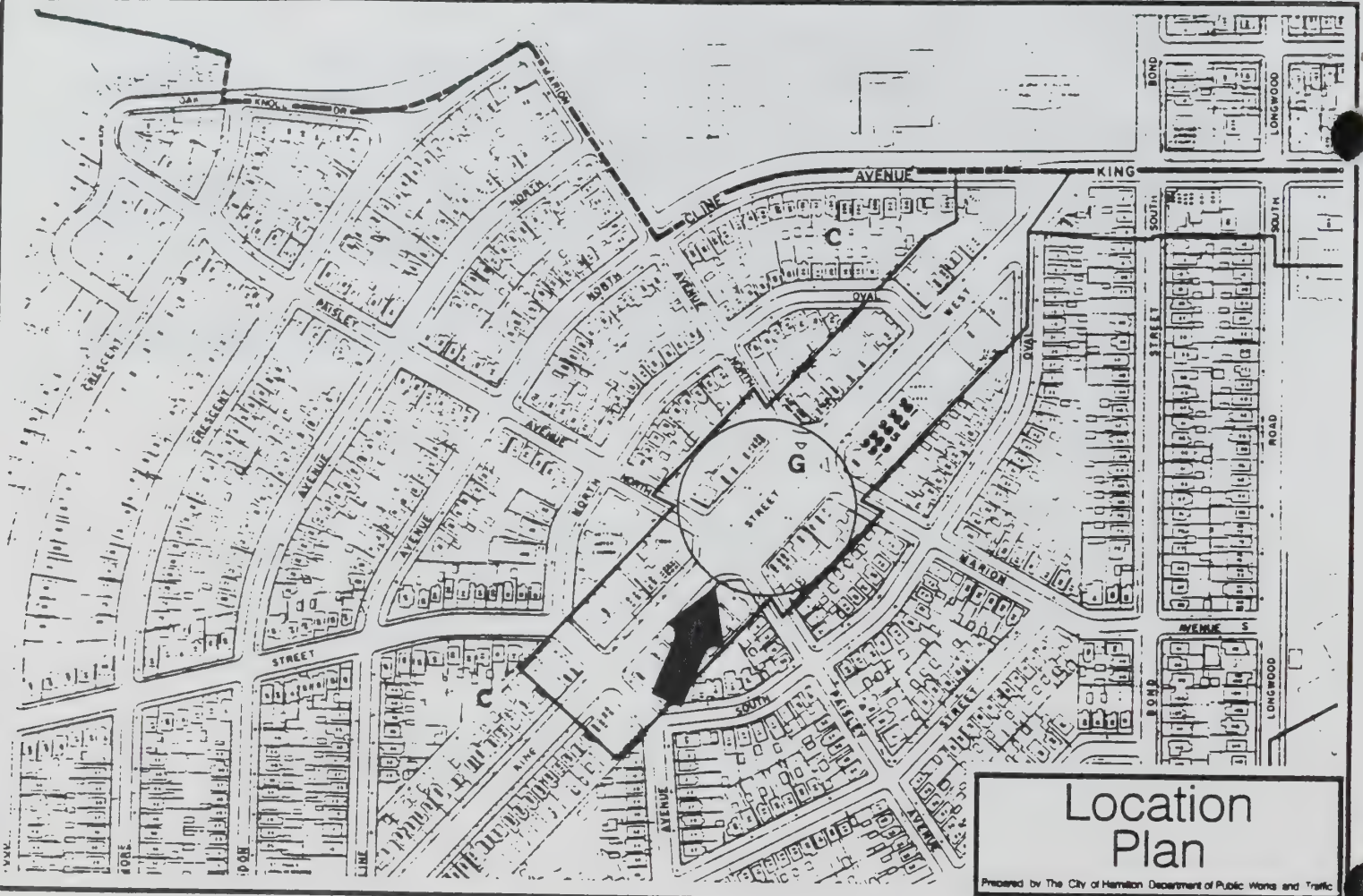
Page 3

The Department of Public Works and Traffic Services will post two (2) "Temporary Road Closure" signs and post "No Parking Anytime" signs along the north side of North Oval to accommodate the HSR detours. All associated costs will be paid for by the applicant.

Regional Police Services will provide appropriate security for this event. Since there have been no objections from any municipal departments and the event is expected to be well attended, this Department can support the application.

C.B. / M.H.
CVB/MBH/str

c.c. P.C. D. Schwalm, Special Events Co-ordinator, Regional Police Services
K. Nicol, HSR



CITY OF HAMILTON
- RECOMMENDATION -

A-5

DATE: April 7, 2000
File No. TEC-031-00 / Author: M. Hazell

REPORT TO: Chariman and Members
Transport and Environment Committee

FROM: Charles Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Petition to Remove Aberdeen Avenue from the "Through Street" System (PWT00083)

RECOMMENDATION:

- (a) That no action be taken on the request to remove the "through street" designation on Aberdeen Avenue between Longwood Road and Dundurn Street; and
- (b) That the Regional Transportation Services Committee be advised of this recommendation as Aberdeen Avenue is a Regional Road in this area.

Charles Guthro

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This recommendation would not require Transition Board approval.

Allowing parking overnight on Aberdeen Avenue would result in increased annual maintenance costs in the order of \$50,000 per year, for which funds have not been budgeted, and would no doubt result in requests to allow overnight parking on other sections of Aberdeen and incremental increases in maintenance costs.

BACKGROUND:

In September 1999, Alderman Marvin Caplan forwarded a petition, signed by representatives of 43 area homes, requesting that Aberdeen Avenue be removed from the through street system in the area of Studholme Road and Flatt Avenue. At the Transport and Environment Committee meeting of March 6, 2000, Alderman Mary Kiss requested a report on the feasibility of removing Aberdeen Avenue between Longwood Road and Dundurn Street from the "through street" system.

SUBJECT: Petition to Remove Aberdeen Avenue from the
"Through Street" System (PWT00083)

Page 2

Removing an arterial street from the "through street" system to allow overnight parking is essentially a street maintenance issue, rather than a traffic issue per se. Parking has been prohibited on the arterial street system in Hamilton from 2:00 am to 7:00 am for many years. The principle reason for the overnight parking prohibition is to permit street maintenance activities to be carried out during overnight hours when traffic volumes are relatively light, rather than during the day when traffic volumes are higher and traffic congestion would result. In addition, working during the evening or night is more efficient and lowers the overall cost of street maintenance.

To assist the residents on Aberdeen, the parking regulations were revised on Studholme Road several years ago to allow overnight parking on the west side of this street, which is only one short block away from the petitioners' homes.

From an operational perspective, because of its close proximity to the 403 Highway, high traffic volumes and direct route to the Queen Street mountain access, Aberdeen Avenue is classified as a primary arterial road and receives a high level of service. In the event of any road closures (ie. Forestry operations, road cuts and flooding) this road would receive immediate attention. Road maintenance in the form of street sweeping and flushing would be carried out on a bi-weekly/as needed basis. During snow plowing operations, Aberdeen Avenue would also receive immediate and on-going attention until bare pavement conditions could be achieved because it is an essential part of the arterial street system.

Allowing overnight parking would significantly effect snow clearing operations. In these instances, costs become the limiting factor as snow would be windrowed and cleaned again the following day to open up these lanes to through traffic. During the summer operating schedule, maintenance for this arterial roadway is carried out during the very early or late hours when traffic volumes are relatively light. Parking in this area would require increased enforcement to deal with posted closed portions so that maintenance could be carried out during these hours. For these reasons, staff does not support removing Aberdeen Avenue from the through street system (map attached), and also attached to this report is a recent Information Report to the Transport and Environment Committee respecting the costs and issues surrounding requests to remove streets from the "through street" system to allow overnight parking.

MBH/kag
Attach.

CITY OF HAMILTON

-INFORMATION-

DATE: 2000 February 18
Author: Charles Guthro

REPORT TO: Chairman and Members
Transport and Environment Committee

FROM: C. Guthro
Acting Commissioner of Public Works & Traffic

SUBJECT: Requests to Remove Through Street Designations
(PWT00044)

BACKGROUND:

Council has asked the Department of Public Works and Traffic to consider the feasibility of allowing "Through Street" parking on arterial roads. "Through Street Parking" has been prohibited on the arterial street system in Hamilton for many years. Virtually all of the "Through Streets" are Regional Roads and parking is prohibited on the Regional road system on a full time basis for approximately 90% of the total mileage and permitted during the daytime hours on the remaining 10%. The "Through Street" designation on a road stipulates that overnight parking (2:00 a.m. to 7:00 a.m.) is not permitted.

The Department of Public Works & Traffic's principle reasons for being opposed to "Through Street" parking are not related to traffic flow, but rather to the significant increases in costs for conducting street maintenance operations, combined with a lower level of service.

Regarding winter operations, snow removal would have to be carried out during daytime hours, since snow would accumulate in a windrow beside parked cars during evening plowing operations. Removal of the windrows would require a group consisting of one front-end loader, three trucks and one traffic control person. This would have to be undertaken during the daytime high traffic hours. This report outlines the increased operating costs associated with the removal of the "Through Street" designation on a typical arterial road (Aberdeen Avenue between Queen Street and Longwood Road) approximately 1.7km. This information can be used to extrapolate average cost of requests. Based on a 10cm snowfall, this service could take approximately 8 to 10 hours at a cost of \$3,000. It is important to note that this past winter we received approximately

Requests to Remove Through Street Designations (PWT00044)

95cm of snow over a two-week period while our yearly average is 152cm. Based on an annual accumulation of 152cm the cost to provide this service (Aberdeen Avenue between Queen Street and Longwood Road) could reach \$45,000 to \$50,000.

Regarding summer operations the street sweeping/flushing operation would require posting for no parking once a week for the night time operation. Assuming these operations could occur during the months of March to December, the costs for two men and a truck would amount to \$5,000 annually. The total increase in operating costs would be \$50,000 to \$55,000 annually on a typical through street.

Virtually all of our "Through Street" parking tags are issued in the lower city and the majority of requests to allow parking overnight are on lower city "Through Streets". To create an average cost we have taken the total amount of revenues for "Through Street" tags in the lower city and divided them by the number of kilometres in the lower city, the average cost reductions of parking tag revenue per kilometre would be \$2,656. While the purpose of parking enforcement is to encourage compliance with the various parking regulations rather than to generate revenue, this is a significant cost implication which cannot be ignored.

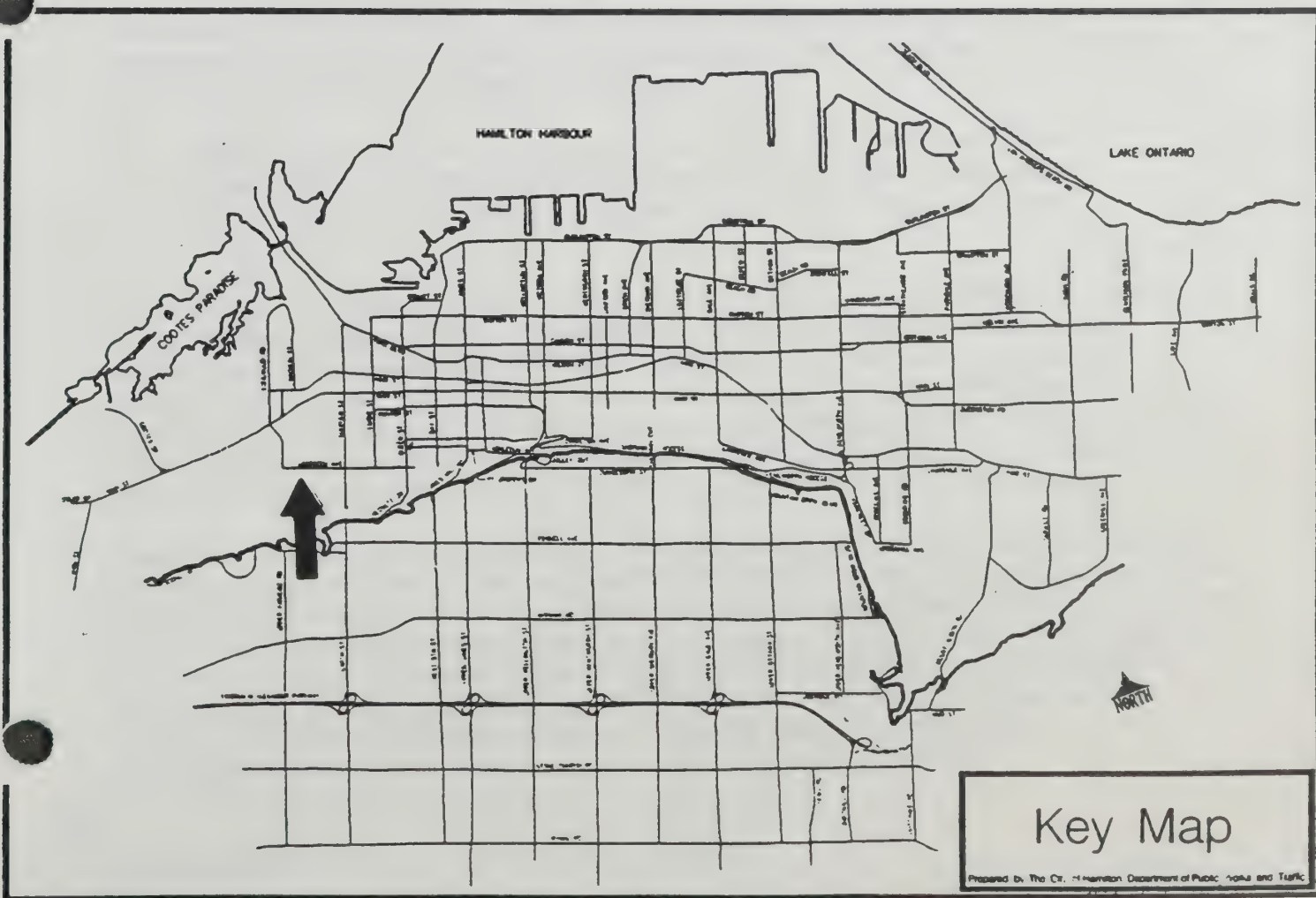
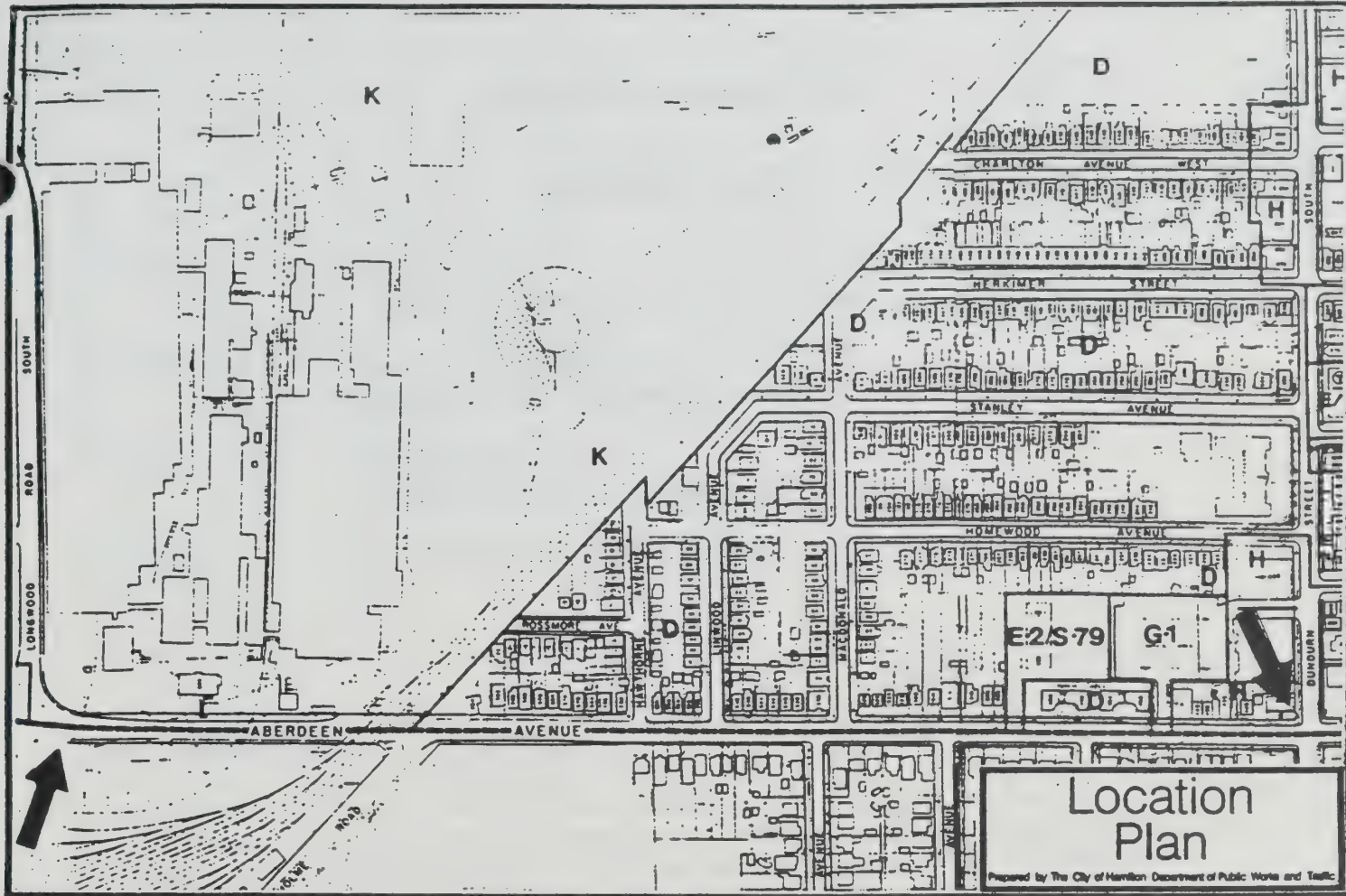
This report does not go on to describe other service and cost implications such as roadway markings, asphalt and road maintenance, litter pick up etc.

Therefore, we would not recommend that changes be made to the "Through Street" designation on arterial roads to allow parking overnight since our budgets could not support these increased costs. The Department of Public Works & Traffic would review individually approved requests by the Transport & Environment Committee providing alternative options to limit the impacts to the budget and service requirements.

Charles Guthrie

CG/rb

c.c. M. Hazell, Manager of Community Traffic Services



CITY OF HAMILTON

- INFORMATION -

A-6

DATE: June 1, 2000
File No.: TEC-047-00 / Author: M. Preston

REPORT TO: Chairman and Members
Transport and Environment Committee

FROM: Charlie Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Locke Street South – various sidewalk encumbrances (PWT00114)

*Mark B. Hazel for
C Guthro*

BACKGROUND:

The Transport and Environment Committee on March 6, 2000 approved the resolution to extend the boundaries for the moratorium on encroachment fees for outdoor boulevard cafes between Victoria Avenue and Queen Street to extend southerly to Herkimer Street and northerly to Burlington Street. Although the expanded area provides financial relief to more of the existing cafes, this Department has since received a new request from a business outside of the current boundaries (Locke Street South), seeking permission to enter into an outdoor boulevard café agreement. The Transport and Environment Committee at its meeting held May 30, 2000 discussed this matter, and approved the following:

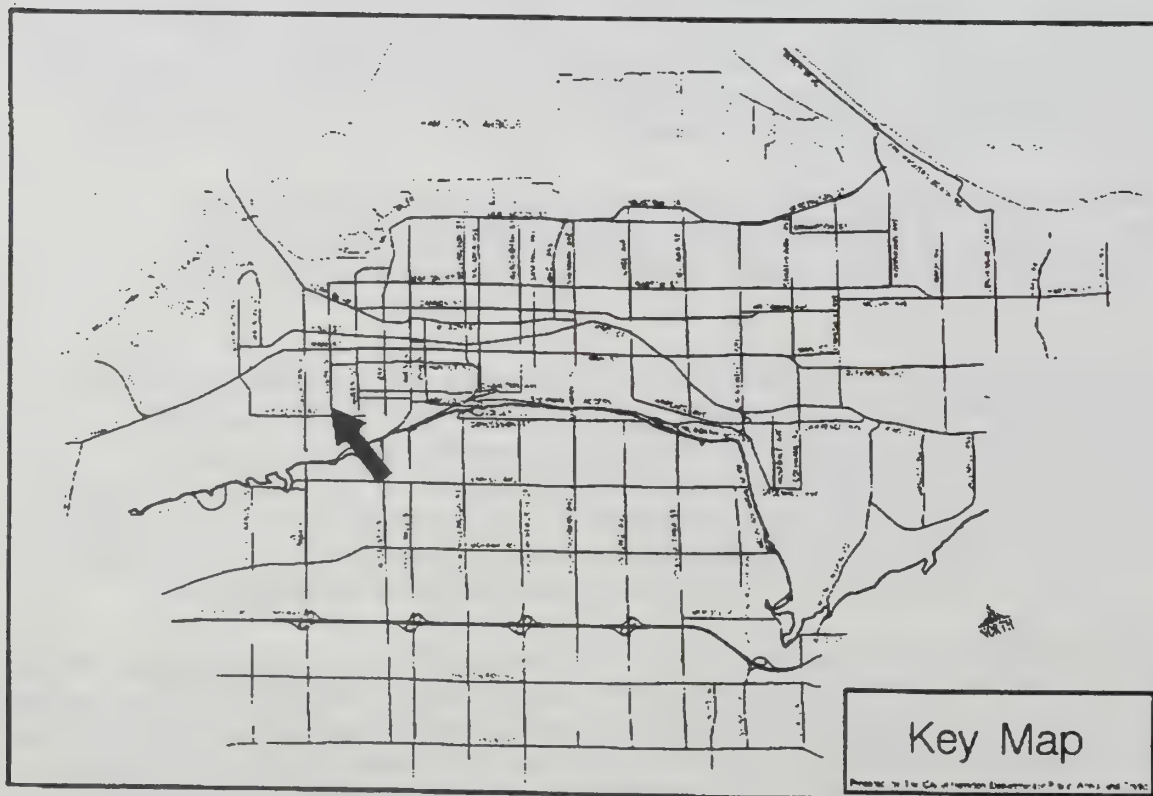
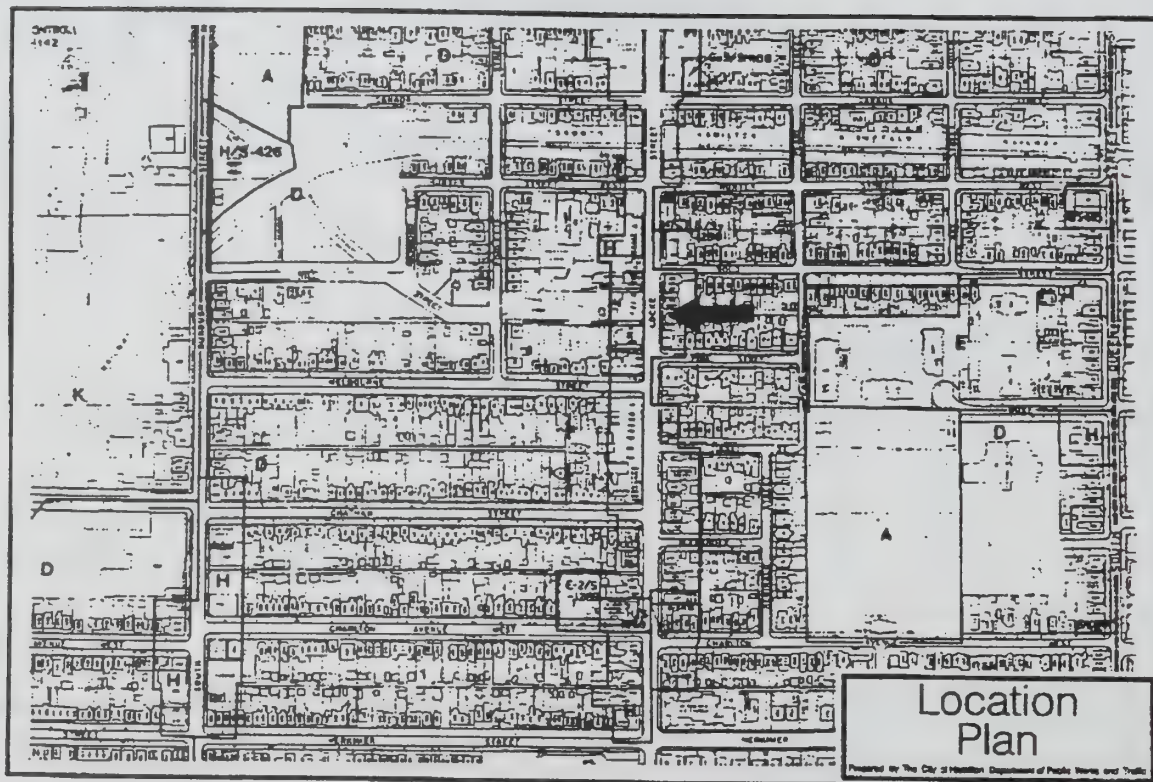
"Staff was directed not to enforce any encroachments on Locke Street South, except on a safety basis, until such time as a report is presented to the Committee regarding the matter of encroachment/outdoor patio fees."

As Locke Street is not included in the current moratorium area, the applicant would be required to pay a processing fee of \$1145. In order to comply with this department's patio café specifications, the patio area would have to be extremely small and this would be cost prohibitive for most area merchants on Locke. Several establishments have already placed tables and chairs on the road allowance but they are not under agreement. The Committee may wish to consider expanding the boundaries of the existing moratorium on encroachment fees and attached is a copy of report PWT00080 outlining the financial implications.

Respecting other illegal encumbrances on the Locke Street sidewalk, the many antique stores in the area have traditionally displayed goods on the road allowance, including benches, tables and chairs. Generally, the displays are small and placed up against the building face. As most merchants do not impede pedestrian or wheelchair access, this Department has traditionally requested removal only when a legitimate complaint of impediment to pedestrian traffic has been received. While we will continue to enforce the Streets By-law in the area, we will maintain our position of enforcement only on a reactive basis, unless directed otherwise, allowing the character of the area to remain intact. (Area map attached).

JMH

MJP/CVB/str
Att.



CITY OF HAMILTON

- INFORMATION -

DATE: April 3, 2000
File No. TEC-028-00 / Author: M. Hazell

REPORT TO: Chairman and Members
Transport and Environment Committee

FROM: Charles Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Moratorium on Encroachment Fees in the Downtown Core
(PWT00080)

BACKGROUND:

Transition Board approval is not required.

The Transport and Environment Committee, on March 6, 2000, approved the following resolution:

- "(a) That the moratorium on encroachment fees in the downtown core which was previously approved for the period of January 1, 1998 to September 1, 1999, be extended to December 31, 2000; and
- (b) That the boundary of the downtown core for the exemption of encroachment fees for outdoor patio cafes be extended southerly to Herkimer Street and northerly to Burlington Street."

The Committee also directed staff to "bring a report back to the committee on what financial effect the moratorium on encroachment fees for outdoor patio cafes would have if extended beyond the downtown core (eg. Ottawa Street, Concession Street)."

Presently, there are 37 outdoor patio cafes on City and Regional roads within the City boundaries. Thirty-four of these outdoor patio cafes fall within the expanded area of the moratorium (Herkimer, Queen, Burlington and Victoria). Of the 34 outdoor patio cafes in this area, 11 are on Regional roads (annual revenues would be approximately \$4,500) and 23 are on City road allowances (annual revenues would be approximately \$6,300).

Of the remaining three outdoor patio cafes on road allowance in the City, one is on a Regional road and the other two are on City streets. For the Regional road outdoor patio, the annual fee is \$185. For the two outdoor patio cafes on City road allowance, the annual fees are \$112.50.

CITY OF HAMILTON
- RECOMMENDATION -

A-7

DATE: June 13, 2000
File No.: S601-02; Author: G. McGuire

REPORT TO: Chairman and Members
City Committee of the Whole (T&E)

FROM: A.F. Leitch, P. Eng, General Manager
Transportation, Operations and Environment


SUBJECT: To incorporate certain City land into various streets
by By-Laws (TOE00011)

RECOMMENDATION:

a) That the following City land be incorporated into the following streets:

Appleblossom Drive	Part 3, save and except Part 2	62R-13389 62R-14168
Eaglewood Drive	Parts 1, 4, 5, 8, 9, 11, 15 and 16	62R-15419
Elmore Drive	Part 4	62R-14109
Meadowpoint Drive	Block 23	62M-853
Piano Drive	Block 38	62M-778
Ferguson Avenue	Part 3	62R-15301
Rebecca Street	Part 2	62R-15305

- b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.
- c) That the General Manager of Transportation, Operations & Environment be authorized and directed to register the by-laws.
- d) **That in accordance with the Guidelines issued, this Report does not require Transition Board approval.**


A.F. Leitch, P. Eng.

**SUBJECT: To incorporate certain City land into various streets
by By-Laws (TOE00011)**

Page 2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

To complete conditions of severance and to complete final street widths, it is necessary to incorporate City land into the road allowance as indicated below.

<u>Incorporating into Street Name</u>	<u>Land Description being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Appleblossom Dr.	Part 3, Plan 62R-13389 save and except Part 2 on Plan 62R-14168	N/A	To complete conditions of severance	S-601-02
Eaglewood Drive	Parts 1, 4, 5, 8, 9, 11, 15 and 16, Plan 62R-15419	N/A	To complete conditions of severance	S-601-02
Elmore Drive	Part 4 on Plan 62R-14109	N/A	To complete final street widths	06-6598
Meadowpoint Dr.	Block 23, Plan 62M-853	N/A	To facilitate access to Allison Estates (Phase 5)	S-601-02
Piano Drive	Block 38, Plan 62M-778	N/A	To facilitate access to Allison Estates (Phase 5)	S-601-02
Ferguson Avenue	Part 2, Plan 62R-15301	N/A	To complete final street widths	06-6815
Rebecca Street	Part 2, Plan 62R-15305	N/A	To complete conditions of severance	06-6769

GM:ho
Encls.

cc H. Groen, Transportation Division
cc F. Angelici, Planning Division
cc K. Nutley, Real Estate Division

CITY OF HAMILTON
- RECOMMENDATION -

A-8

DATE: 2000 May 25

REPORT TO: Chairman and Committee Members
Transport and Environment Committee

FROM: C. Guthro
Acting Commissioner of Public Works and Traffic

SUBJECT: Declaration of Surplus Property – 583 Upper Wellington St.
Municipal Carpark #9a (PWT 00110)

RECOMMENDATION:

- (a) That 583 Upper Wellington Street, Municipal Carpark #9a, described as Lot 27 and part of Lot 26, Plan 572, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,
- (b) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049.



C. Guthro

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The sale of the subject lands will eliminate the financial burden on the Public Works & Traffic Department, Parking Services for the costs of ongoing management, maintenance and repairs. The lot is currently under utilized and has been in a deficit position for a number of years. Funds derived from the sale will be credited to the Off Street Parking Reserve Account for the purchase of other municipal parking. Based on the current assessment, the property would generate approximately \$4,000 in property taxes as an undeveloped parcel of commercial land.

Based on a review of Transition Board guidelines, staff has concluded that Transition Board approval is not required.

BACKGROUND:

By-law 95-049 requires all City owned lands not exempted by Ontario Regulation 815/94 to be declared surplus prior to sale.

Effective January 1, 1995 the Municipal Act was amended by the Planning and Municipal Statute Law Amendment Act requiring municipalities to enact a by-law to establish procedures for the sale of real property owned by a municipality.

On February 14, 1995 City Council adopted Item 8 of the 5th Report of the Finance and Administration Committee and enacted the Real Property Sales Procedural By-law No. 95-049. Section 5(a) of this by-law declares that the "Real Property of the City shall not be sold unless it is surplus to the requirements of the City".

This property has been circulated to all City and Regional departments and there has been no declared municipal interest.


DISCUSSION:

The subject property is a 40 by 110-foot parcel of vacant land, zoned commercial and found in the Inch Park Neighbourhood. On the far north west corner of the lot is located a large overhead billboard that generates approximately \$3,500 in annual revenue for the City. It is recommended that the billboard be retained in City ownership.

This property has been in use as a municipal parking lot and has been operated by the former Hamilton Parking Authority since the late 1960s. On October 14, 1997 the Board of the former HPA declared this site surplus to their requirements. Current staff of the Traffic and Parking Section has confirmed their requirement to dispose of the property.

The Real Estate section has received many expressions of interest over the years to purchase the subject property from the abutting commercial property owner to the north and in the last few months from a potential property owner to the south. Both have advised that they would continue to use the lands for parking purposes.

Based on the money losing status of the lot, the desire of the Parking Section to dispose of the lot and the interest shown by potential purchasers, we therefore recommend that this parking lot be put forward for consideration as a surplus to the requirements of the City, save and except for that portion of the lot that contains the overhead billboard sign. If this recommendation is approved, a survey to identify the two parcels will be prepared by the Survey Department.

 VDP/vdp

c.c. Alderman T. Anderson, Alderman, Ward 7
Alderman B. Kelly, Alderman, Ward 7
R. C. Roszell, Corporate Counsel, Legal Services Section
Attention: H. Vastis, Assistant Corporate Counsel
M. Hazell, Manager of Community Traffic & Parking Services
Gord McGuire, Manager of Surveys, Roads Division

Office of the Municipal Clerk

Memorandum

A-9

TO: Chairman and Members
City Committee of the Whole (T&E)

FROM: Kevin C. Christenson
Acting Municipal Clerk
Office of the Municipal Clerk

PHONE: (905) 546-2727

DATE: June 28, 2000

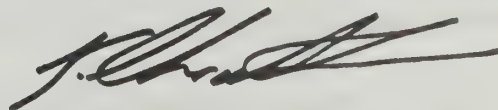
SUBJECT: Referral from Regional Council - \$1,000 Permit Fee for Film and Television Production (PDR00123)

That pending Regional Council approval on July 4, 2000, that the following resolution be referred to the City Committee of the Whole for consideration and approval:

- (a) That the Regional Municipality of Hamilton-Wentworth eliminate the \$1,000 Occupation fee on road allowances as it pertains to the Film, Television and Commercial Production Industry filming on the Regional road allowance; and,
- (b) That a \$250 administration fee be charged to all Film, Television and Commercial Productions filming or utilizing the streets and/or properties under the jurisdiction of the City of Hamilton/Regional Municipality of Hamilton-Wentworth. This administration fee will be administered by the Hamilton Film Liaison Office (HFLO) for the development of this growth sector within this community. However, funds collected for 2000 will continue to be directed to City of Hamilton to offset the elimination of the \$1,000 occupation permit fee in this years' budget; and,
- (c) That all Film, Television and Commercial Production Companies must continue to be charged the appropriate road and lane closure fees, actual cost of services provided by City/Region departments and the actual cost of policing.

A copy of Report PDR00123 which will be considered by the Regional Committee of the Whole on July 4, 2000 is attached.

attached



cc L. Coveyduck, General Manager, Community Planning and Development
Division
N. Catalano, Director, Economic Development Department

REGION OF HAMILTON-WENTWORTH

- RECOMMENDATION -

DATE: June 20, 2000

REPORT TO: Chairman and Members
Regional Committee of the Whole (Economic Development and Tourism Committee)

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

Nicolas Catalano
Director
Economic Development Department

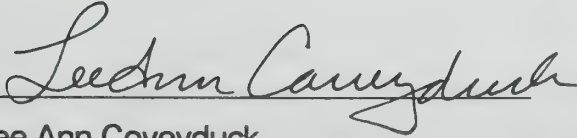
SUBJECT: \$1,000. Permit Fee for Film & Television Production (PDR00123)

RECOMMENDATION:

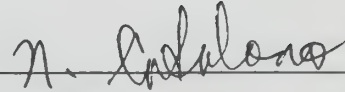
- (a) That the Regional Municipality of Hamilton-Wentworth eliminate the \$1,000. Occupation fee on road allowances as it pertains to the Film, Television and Commercial Production Industry filming on the Regional road allowance; and
- (b) That a \$250.00 administration fee be charged to all Film, Television and Commercial Productions filming or utilizing the streets and/or properties under the jurisdiction of the City of Hamilton/Regional Municipality of Hamilton-Wentworth. This administration fee will be administered by the Hamilton Film Liaison Office (HFLO) for the development of this growth sector within this community. However, funds collected for 2000 will continue to be directed to City of Hamilton to offset the elimination of the \$1,000. occupation permit fee in this years' budget; and
- (c) That all Film, Television and Commercial Production Companies must continue to be charged the appropriate road and lane closure fees, actual cost of services provided by City/Region departments and the actual cost of policing.
- (d) That this report be referred to the City of Hamilton, Committee of the Whole for their consideration and approval on July 4th, 2000.

**SUBJECT: \$1,000. Permit Fee for Film & Television Production
(PDR00123)**

Page 2



Lee Ann Coveyduck
General Manager
Community Planning and Development Division



Nicolas Catalano
Director
Economic Development Department

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required as this will have no net impact on the 2000 budget.

By eliminating the \$1,000. occupation permit fee for road allowance the Regional Municipality of Hamilton-Wentworth will experience an annual loss of \$4,000., this figure is based on actual funds collected in 1998 and 1999. However, by implementing a \$250. administration fee charged for all film activity (beyond road allowances), the community will experience more short stay filming and an economic impact that will equal or surpass the annual funds collected. In 1999, thirty-four various productions were filmed in the area. If an administration fee of \$250. had been charged, revenues totaling \$6,250. would have been collected.

SUSTAINABLE COMMUNITY IMPLICATIONS:

(Vision 2020, adopted by Regional Council as its vision for the future of Hamilton-Wentworth, embodies the concept of a sustainable community which is an equal balance of the economy, the environment, and social/health factors in all regional decision-making.)

BACKGROUND:

In 1997, report #RDS97-193 recommended the implementation of a \$1,000. occupation fee be charged to events involving occupation on a road allowance for ~~profit~~ events. This included all film, television and commercial production, private sector promotions, retail outlets, beer gardens and rock concerts. The experience within this Region has been that Film, Television and Commercial Production Companies have reacted extremely negatively to this occupation charge. As a result the City of Hamilton & Regional Municipality of Hamilton-Wentworth have suffered a negative image and a loss of potential business and direct economic benefit to the community that evolves from film activity. (See Attachment 1 – 3).

A summary of permit/administration fees were researched and gathered from various Ontario jurisdictions that are heavily involved in filming. Most jurisdictions charge no permit fee or a nominal amount, the Regional Municipality of Hamilton-Wentworth is the exception and currently charge the highest fee of \$1,000. (See Attachment 4).

**SUBJECT: \$1,000. Permit Fee for Film & Television Production
 (PDR00123)**

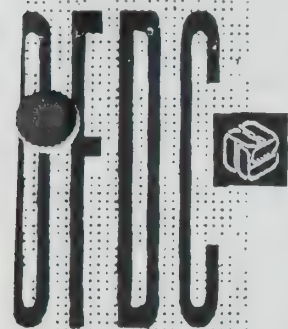
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CONCLUSION:

This decision will be socially acceptable to the industry with a positive impact to the image of the City of Hamilton/Regional Municipality of Hamilton-Wentworth as a film friendly region. In 1999, \$1.2 billion dollars was directly spun-off into the Ontario economy. Outside of Metro Toronto the Greater Hamilton area participated in the largest volume (17%) of film activity.

NMC/SC

(Attach. 1 – 4)



ONTARIO FILM DEVELOPMENT CORPORATION

SOCIÉTÉ DE DÉVELOPPEMENT DE L'INDUSTRIE CINÉMATOGRAPHIQUE ONTARIENNE

Attach (1)

June 9, 2000

Mayor Robert Morrow
Mayor's Office
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mayor Morrow:

I am writing to you today to address Hamilton's current policy of charging a \$1,000 permit fee for film and television productions that shoot in your city.

As you know, one of the mandates of the Ontario Film Development Corporation is to promote Ontario to U.S. and domestic producers to film their movies and television productions in the province. These production dollars provide tremendous job opportunities for Ontario performers and crews as well as this activity utilizes our hotels, equipment suppliers, labs, studios, restaurants, post-production facilities, etc. Last year, over \$930 million was spent in the province by the film and television industry.

Ontario is facing aggressive competition from other jurisdictions both in Canada and the U.S., who are interested in attracting film production to their areas as well, and it is important that we continue to remain a viable production centre with accessible locations and little bureaucratic red tape.

Outside of the city of Toronto, Hamilton is one of the most important filming jurisdictions in the province. The diversity of film-friendly locations in your city, combined with the newly announced regional bonus to the Provincial tax credit for filming outside of the GTA, provides Hamilton with the potential for major growth in filming activity levels. This growth may be hampered as long the current \$1,000 permit fee remains in place.

.../2

175 Bloor Street East
North Tower, Suite 300, Toronto, Ontario M4W 3R8
Telephone: (416) 314-6858
Fax: (416) 314-6876
E-mail: mail@ofdc.on.ca
Web site: www.ofdc.on.ca

An Agency of the Ontario Ministry of
Culture and Recreation

175, rue Bloor Est
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Courrier élec.: mail@ofdc.on.ca
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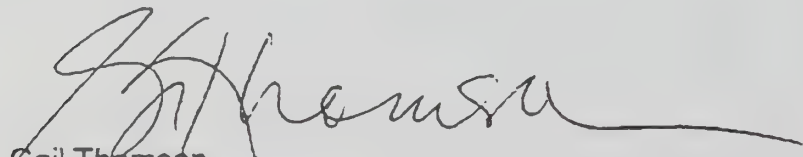
Un organisme du ministère des Affaires civiques,
de la Culture et des Loisirs

-2-

As you can see by the attached information on fee's in various GTA jurisdictions, Hamilton's permit fee is much higher than those charged in other cities. Due to the extra costs, (such as hotels, meals and gas), associated with transporting the cast and crew of a production outside of Toronto, it is very important that jurisdictions such as yours keep additional costs such as permit fees as low as possible, in order to encourage productions to locate there.

Our office has successfully worked with your Economic Development Department for a number of years, and we were pleased to hear that you have recently applied for membership in the Association of Film Commissioners International. This step, along with the development of Hamilton's new film production guidebook, are welcomed by our industry. The elimination of the permit fee is one more vital step in cementing Hamilton's position as a major filming jurisdiction, and we are confident will encourage more filmmakers to choose Hamilton as a location for their productions.

Yours sincerely,



Gail Thomson
Director

Location Promotion and Services

ONTARIO FILM DEVELOPMENT CORPORATION

enclosures

absolute
LOCATION SUPPORT SERVICES

Attach (2)

207 EASTERN AVENUE Susan M. Coverdale

TORONTO, ONTARIO Development Officer-Film

CANADA M5A 1H7 Community Planning & Development Division

T: 416.203.8332

Economic Development Department

F: 416.203.9511

1 James Street South, 8th Floor

Hamilton, Ontario L8P 4R5

WWW.ABSOLUTE.TO

June 12, 2000

Dear Ms. Coverdale,

I am writing in support of the repeal of Hamilton's filming fee which, I understand, is currently under discussion. As you know, Hamilton has proven to be very popular for film, television and commercial shoots, particularly in the last few years. Film crews have traditionally received a warm welcome in Hamilton and it is well known within the industry that production companies can expect a high level of co-operation and competence from both your office and other municipal officials with whom they come into contact.

Sites such as Copps Coliseum, the Royal Botanical Gardens, the Royal Connaught Hotel and the CN Train Station provide wonderful visual opportunities for production companies while at the same time bringing sizeable revenues to the City. As you know, many of these shoots, in addition to paying a considerable location fee for filming, also spend a substantial portion of their location budgets locally on catering, gas, restaurant meals, construction supplies and hiring extras to appear on camera.

I would urge your Council to factor in these "hidden benefits" to the City when making its decision. I would also point out that while Hamilton has a great deal to offer the film community it must remain competitive with Toronto in order to continue to attract production dollars.

Please feel free to call upon me if I can provide further support for the repeal of the current fee.

Yours truly,

Paul Kenyon

Paul Kenyon
President

Attach (3)

DGC

DIRECTORS GUILD OF CANADA
LA GUILDE CANADIENNE
DES RÉALISATEURS

Sunday, June 11, 2000

Susan M. Coverdale
Development Officer - Film
Community Planning & Development Division
Economic Development Department
1 James Street South, 8th Floor
Hamilton, ON
L8P 4R5

Ontario District Council
890 Yonge Street, 9th Floor
Toronto, Ontario
Canada M4W 3P4

Tel (416) 925 8200
Fax (416) 925 8400
e odc@dgc.ca

Dear Susan:

I understand that Hamilton is currently reviewing its filming fee structure. On behalf of the Directors Guild of Canada Location Department, Managers and Assistant Location Managers, I would like to endorse the removal of all fees associated with filming. As you know, the City of Hamilton is outside of all associated union boundaries and thus, overtime, crew per diems (food allowance) and accommodation is often necessary.

Over the last number of years, I have had the opportunity of filming in Hamilton on a number of occasions. *G-Man*, a Disney movie of the week with Tony Danza, I filmed at Ivor Wynne Stadium for one week. During our prep/shoot and wrap schedules, our crew was put up in various downtown hotels and paid per diem allowance. Last year, during the production of *X-MEN*, for over three months we had crew travelling to the city to prep the old CN train station. This involved two hours of travel time that the construction/art department incurred on a daily basis that shortened their workday. In both instances, the impact of economic benefit to the City of Hamilton was substantial. Hotel accommodations, food, gas, local union workers hired, various city employees engaged during production and local businesses utilized throughout our schedules are a few of the vast local economic benefits of filming production.

It is the hope of the Directors Guild of Canada, location department, that the current \$1000.00 permit fee, \$440.00 road closure and \$173.00 lane closure fees be re-examined and eliminated. At a time when production levels are at an all-time high and production costs are rising, further fees only impair the negative impact of travelling out of our zones to the City of Hamilton. Simply, it is difficult to recommend a distant location to a producer who must pay per diems and cover hotel accommodations, then have to pay permit fees to shoot on the street or close a road. It simply becomes unattractive and unaffordable. In the GTA, there are no fees and road use is free. Comparatively, it is hard to argue.

However, the boundaries of the GTA must be pushed. With production levels rising, new locations are becoming scarce and limited. If it is the intention of the City of

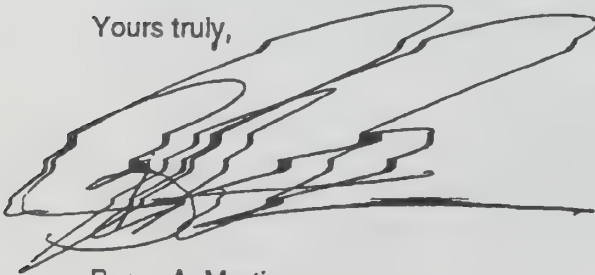
Hamilton to embrace the industry, then I recommend it do so by allowing production to come to the city without further expense.

As the Location Caucus Representative, I know that there have been many occasions of productions proposing to film for one day or two. The current fee structure truly inhibits their consideration and often producers demand another less local option.

I would also recommend the City of Hamilton consider including in their new film policy, a damage deposit to ensure that all production companies address any damage or outstanding costs. I can assure you that all Location Managers and the Ontario Film Development Corporation would happily endorse the removal of any fees for filming for a damage deposit adherence.

Please feel free to contact me regarding this issue, with any concerns you may have. If you feel it is necessary, I would happily be available to present a deputation at Council regarding this discussion.

Yours truly,



Byron A. Martin
Unit Manager

Directors Guild of Canada
Ontario District Council
Location Caucus Representative

Directors Guild of Canada
National Executive Board
Location Manager Representative

Cc: Directors Guild of Canada, ODC, via fax 416- 925-8400



**CITY OF HAMILTON AND
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH**

A #ach (4)

**Community Planning and Development Division - Economic Development Department
1 James Street South, 8th Floor, Hamilton, Ontario L8P 4R5
Telephone (905) 546-4222
Facsimile (905) 546-4107**

**SUMMARY OF PERMIT FEES
VARIOUS ONTARIO JURISDICTIONS**

TORONTO	No permit fee
MARKHAM	No permit fee (unless in BIA area) \$250 permit fee if commercial area
RICHMOND HILL	No permit fee
BRAMPTON	No permit fee
MISSISSAUGA	No permit fee
AURORA	No permit fee
BURLINGTON	No permit fee
OSHAWA	No permit fee
PICKERING	No permit fee
WHITBY	No permit fee
STOUFFVILLE	\$150 permit fee
OAKVILLE	\$100 permit fee/\$250 per day shooting fee
SCUGOG (Port Perry)	\$ 75 permit fee non-BIA areas \$150 permit fee if extensive filming
UXBRIDGE	\$250 per day (max. \$1,000 per week)
<u>HAMILTON</u>	<u>\$1,000. permit fee**</u>

As provided by the Ontario Film Development Corporation (OFDC) on June 8, 2000.

**Hamilton records the highest permit fee of all jurisdictions.



MINUTES

CITY OF HAMILTON TRANSPORT AND ENVIRONMENT COMMITTEE

Monday, June 19, 2000

11:00 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

A-11
(a.)

Present:	Alderman C. Collins (Chairperson), Alderman D. Wilson (Vice-Chairperson), Aldermen A. Horwath, B. Morelli, T. Jackson, F. D'Amico
Absent with regrets:	Mayor R. M. Morrow – City Business Alderman M. Kiss – Illness Alderman T. Anderson – City Business
Also Present:	Aldermen R. Corsini, D. Haining, G. Copps, F. Eisenberger B. Price, C. Guthro, M. Hazell, T. Gill, R. Meiers, H. Solomon, K. Nutley, W. Plessl, F. Westaway, C. Biggs
Alderman C. Collins, Chairperson, called the meeting to order.	

THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:

1. 73 Garfield Avenue South, Proposed Alley Paving (PWT00118) (Item 3.1b)

That the request by Planning and Engineering Initiatives Ltd. to pave the alley east of Garfield Avenue South from Dunsmure Road to approximately 48m southerly be processed as a local improvement.

2. Proposed Extension to Outdoor Boulevard Café – 33 Hess Street South, Hamilton (PWT00115) (Item 4)

- (a) That the application of D. Dore, owner and B. Baldassaro and M. Vickers, operators of 33 Hess, located at 33 Hess Street South in Hamilton, to expand the existing outdoor boulevard café by another 10' X 39' onto the adjacent Hess Street road allowance, be approved, subject to the following conditions:

- (i) That the owner and applicants enter into appropriate Outdoor Boulevard Cafe agreements in a form satisfactory to the Acting Commissioner of Public Works and Traffic and the Corporate Counsel and Director of Real Estate; and,
 - (ii) That the applicants pay a \$50. document registration fee; and,
 - (iii) That the applicants provide proof of \$5,000,000 public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,
 - (iv) That the applicants occupy the licensed area of the boulevard from May 1 to October 31 only and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,
 - (v) That the applicants maintain access for the physically challenged utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25; and,
- (b) That the applicant receive permission for variance from the Committee of Adjustment; and,
 - (c) That the Mayor and the Municipal Clerk be authorized and directed to execute the Outdoor Boulevard Cafe Agreement.

3. Proposed Outdoor Boulevard Café – Ferguson Avenue North, Hamilton (PWT00113) (Item 5)

- (a) That the application of W. Schoen, owner of the Black Forest Inn at 255 King Street East, to erect and maintain an outdoor boulevard cafe on the Ferguson Avenue road allowance adjacent to his property at 251 King Street East, utilizing 21' X 60' of road allowance, be approved, subject to the following conditions:
 - (i) That the applicant enter into an Outdoor Boulevard Cafe agreement in a form satisfactory to the Acting Commissioner of Public Works and Traffic and the Corporate Counsel and Director of Real Estate; and,
 - (ii) That the applicant pay a document registration fee of \$50; and,
 - (iii) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

- (iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 only and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,
- (v) That the applicant maintain access for the physically challenged utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25; and,
- (b) That the Mayor and the Municipal Clerk be authorized and directed to execute the Outdoor Boulevard Cafe Agreement.

4. Temporary Road Closure – King William Street, Hamilton (PWT00120)
(Item 6)

That the application of the Downtown Hamilton B.I.A. to temporarily close King William Street between James Street and Hughson Street on Thursday, July 6, 2000 at 4:00 p.m. to Sunday, July 9, 2000 at 12 noon, to hold the second annual King William Street Downtown Block Party, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
- (b) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,
- (d) That all barricading be supplied by and at the expense of the applicant; and,
- (e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and,
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and,
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and,
- (i) That the applicant be granted an extension to the City of Hamilton Noise By-law 79-292 to continue the music until 12:00 midnight during the event, and that a City of Hamilton Noise By-law officer be in attendance, if necessary, throughout the event, at the expense of the applicant.

5. Request to Remove a portion of John Street North from the "Through Street" System (PWT00117) (Item 8)

That the following recommendation be forwarded to the Region's Transportation Services Committee for consideration:

- (a) That overnight parking be permitted on John Street North, between Robert Street and Barton Street West, from April 1 to October 31; and,
- (b) That an appropriate amendment to Regional Traffic By-law R89-083 be passed and enacted.

8. Use of Speed Humps on Residential Streets (TOE00003a) (Item 10)

- (a) That the general concept of the use of speed humps and speed tables to control speeds on residential neighbourhood streets and in alleys be endorsed; and,
- (b) That speed humps and speed tables only be permitted on two-lane residential streets or alleys with speed limits of 50 k/hr or lower; and,
- (c) That the use of speed humps be endorsed only for locations with proven traffic problems as per the criteria in Appendix "A" of report TOE00003a; and,
- (d) That speed humps only be installed with the strong support and concurrence of residents of all streets in the area that would be affected, as per the criteria in Appendix "B", as amended; and,
- (e) That speed humps not be installed on routes identified as primary response routes by emergency services and that whenever speed humps are installed the concerns of the emergency services are defined and communicated to the residents; and,
- (f) That speed humps not be installed on HSR routes; and,
- (g) That staff be directed to prepare a capital budget submission for the year 2001 for initial speed hump program; and,

- (h) That, in accordance with the guidelines issued, this report does not require Transition Board approval.

9. Responsibility for Traffic Functions (PWT00104) (Item 11)

- (a) That the responsibility for all neighbourhood traffic issues be returned to the Community Traffic and Parking Services Division; and,
- (b) That the Acting City Manager be directed to return the appropriate budget base back to the Public Works and Traffic Department for the Neighbourhood Traffic Safety Co-ordinator position.

10. Routine Amendments to City of Hamilton Traffic By-law 89-72 – Transport and Environment Committee Meeting – May 1, 2000 (PWT00106) (Item 13.1)

That the requests for routine amendments listed herein, as amended, be approved and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

11. Proposed Alteration of Strachan Street, from Bay Street North to Approximately 85m Easterly (PWT00119) (Item 13.2)

- (a) That the proposed alteration of Strachan Street from Bay Street North to approximately 85m easterly by realigning the roadway and widening the pavement from an existing width of 8.7m to a proposed width varying from 8.7m to 15.9m as shown on Appendix "A" be advertised under Section 300 of The Municipal Act being Chapter M.45 of the Revised Statutes of Ontario 1990; and,
- (b) That the Commissioner of Public Works and Traffic prepare the necessary By-law in a form satisfactory to Corporate Counsel and advertised by the Municipal Clerk.

12. Neighbourhood Watch Program for the Ainslie Wood East Neighbourhood (PWT00101) (Item 13.3)

- (a) That the Ainslie Wood East Neighbourhood be designated as a Neighbourhood Watch Area; and
- (b) That Neighbourhood Watch signs for the Ainslie Wood East Neighbourhood be erected and maintained by the Department of Public Works and Traffic, as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and

- (c) That the necessary funds be charged to the Neighbourhood Watch Program, Account No. COHAM-55301-466010.

13. Street Vendor Operation – Mr. Tom Anderson (PWT00112) (Item 13.4)

That the street vendor location at the southeast corner of York and Bay Streets, awarded to Mr. Tom Anderson, be made subject to the following:

- (a) The period of operation to commence January 1, 2000 and expire December 31, 2000; and,
- (b) The 2000 fee for this location be \$2,200; and,
- (c) The products offered for sale are approved by the Hamilton-Wentworth Regional Health Department; and,
- (d) Mr. Anderson submit an Operational Plan indicating a schedule of working hours; and,
- (e) Mr. Anderson enter into a legal agreement satisfactory to Corporate Counsel; and,
- (f) The Municipal Clerk and Mayor be authorized to execute the necessary agreement.

16. Declaration of Surplus Property – 583 Upper Wellington Street – Municipal Carpark #9a (PWT00110) (Item 13.5)

- (a) That 583 Upper Wellington Street, Municipal Carpark #9a, described as Lot 27 and part of Lot 26, Plan 572, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049; and,
- (b) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law No. 95-049.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE RECEIVED AND/OR NOTED:

(a) Declarations of Interest (Item 1)

None declared.

(b) Adoption of Minutes (Item 2)

That the Minutes of the meetings of the Transport and Environment Committee held on May 1, 9 and 30, 2000, be adopted.

(c) Delegations

- (i) E. Lazar, 55 Melrose Avenue South, Hamilton – Alleyway Encroachment (New Business – No Copy)

Mrs. E. Lazar appeared before the Committee respecting the alleyway along the rear of her property at 55 Melrose Avenue South, and her ability to have clear access to her double-car garage as a result of an illegal structure in the alleyway.

Staff was directed to obtain a report back to the Committee from the Legal Department outlining the City's jurisdiction and authority to remove encroachments on unassumed alleyways.

In the interim, the Ward Aldermen indicated that they would arrange an on-site meeting with Mrs. Lazar and staff to resolve the issue on a temporary basis.

- (ii) Request from Sergio Manchia, Planning and Engineering Initiatives, to address the Committee respecting alley paving – Garfield Avenue South (Item 3.1a)

Mr. S. Manchia of Planning and Engineering Initiatives, appeared before the Committee respecting the upgrading of the alleyway at the rear of 73 Garfield Street South, Hamilton.

- (iii) Mr. Brian Butler et al re: flooding of residences on Beach Strip (Item 3.2)

Mr. B. Butler of 21 Arden Avenue, and Ms. J. Hamilton of 21 Granville Avenue, appeared before the Committee to express their concerns regarding the safety, health and nuisance factors of the constant flooding of those residents' properties who reside on the bay side of Beach Boulevard. The detailed written submission by Mr. Butler is available for perusal in the Clerk's Office.

Staff advised the Committee that proposed improvements in the amount of \$571,000 were submitted in the 2000 Capital Budget to alleviate the flooding problems. However, this program was not approved during the budget process.

Staff was directed to resubmit this request in the 2001 Capital Budget process for the consideration of the Transition Board, and that the Board be requested to allow the opportunity for the bay side residents to appear as a delegation at that time.

- (iv) Proposed Extension to Outdoor Boulevard Café – 33 Hess Street South, Hamilton (PWT00115) (Item 4)

Mr. B. Baldassaro, appeared before the Committee to speak in support of the application for the proposed extension to the outdoor boulevard café at 33 Hess Street South. The Committee requested that every attempt be made to keep the proposed extension aesthetically in keeping with the current appearance of Hess Village.

Mrs. P. Bragoli and Mrs. D. Kantowski, both residents at 222 Jackson Street West, addressed the Committee expressing their objection to the proposal.

- (d) **Request to Remove a portion of John Street North from the “Through Street” System (PWT00117) (Item 8)**

Aldermen A. Horwath and T. Jackson indicated that they wished to be recorded as being opposed.

- (e) The following reports were **tabled**:

- (i) Petition to Remove Aberdeen Avenue from the “Through Street” System (PWT00083) (Item 7)
- (ii) Locke Street South – Various Sidewalk Encumbrances (PWT00114) (Item 9)

- (f) **Use of Speed Humps on Residential Streets (TOE00003a) (Item 10)**

Section 2 of Appendix “B” to Report TOE0003a was amended by:

- (i) Deleting the word “minimum” and replacing it with “target” in lieu thereof;
- (ii) Adding the following sentence at the end of Section 2:

“The affected area is to be determined by staff in consultation with the elected representatives for the area.”

(g) Routine Amendments to City of Hamilton Traffic By-law 89-72 – Transport and Environment Committee Meeting – May 1, 2000 (PWT00106) (Item 13.1)

Alderman B. Morelli requested that Item (i) in Ward 3 of the routine amendments, being the removal of the existing eastbound and westbound stop control at the intersection of Burris and Cumberland, be tabled.

(h) Referral from Regional Council requesting adoption of “Corporate Smog Response Plan 2000 (PD99017a) (Item 12)

The Committee received the report and directed staff to bring a report back on the implications of the “Corporate Smog Response Plan 2000” on operations.

(i) The following item was received:

(i) Rennie Street Closed Landfill Site (PWT00123) (Item 13.6)

Note: The meeting of the Transport and Environment Committee adjourned at 1:00 p.m.

**Alderman C. Collins, Chairman
Transport and Environment Committee**

**Carolyn Biggs, Legislative Assistant
June 19, 2000**

CITY OF HAMILTON
-INFORMATION-

A-11
(b.)

DATE: June 23, 2000
Author: R. W. Chrystian

REPORT TO: Chairman and Members
City Committee of the Whole

FROM: C. Guthro, Acting Commissioner
Department of Public Works & Traffic

SUBJECT: Department of Public Works & Traffic Smog Response
Plan 2000 (T&E) (PWT00127)

BACKGROUND:

Transition Board approval is not required.

At the June 19, 2000 meeting of the Transport and Environment Committee, the Department of Public Works & Traffic was asked to report back regarding delivery impacts and financial implications of its implementation strategy in the event of receiving notice of a smog alert.

While the Department implemented various smog reduction measures, when required in 1999 it was apparent that the strategy lacked overall co-ordination and involvement of key field and management personnel.

In 2000, Department staff participated in orientation meetings led by Community Planning and Development staff and from this starting point proceeded to involve key staff in developing Divisional strategies, all coming together as a Departmental response plan.

For information, the Department's complete submission to the Corporate Response Plan is attached.

With the exception of minimal financial implications noted by the Traffic Division (See Departmental response plan) all other Divisions are satisfied that the operational adjustments required during smog alert days will have no financial impacts.

**Department of Public Works & Traffic Smog Response Plan 2000 (T&E)
(PWT00127)**

From a service delivery perspective, work will continue without adjustment where identified emergency situations exist. However, in other cases, the suspension of various activities and equipment use will be replaced by less offensive activities. Affected staff would be re-assigned to duties involving non-polluting equipment with enough work planned ahead of the event to avoid sending personnel home for the duration of the smog alert period.

Finally, it is understood that the effects of this strategy will be monitored over this summer season and where needed adjustments would be considered for recommendations to Committee and Council for 2001.

Charles Luthers

① RWC/rb
Attachments

c.c. L.A. Coveyduck, General Manager, Community Planning & Development
Attn: S. Kapusin

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

SMOG RESPONSE PLAN

A. Notification Procedure

- *What is the earliest time that the department needs notification in order to make adjustments for an advisory episode?*

The Department's needs re notification are greater than what the Ministry is capable of providing, hence operationally, decisions will be made immediately following receipt of notice, expected at least one day in advance.

- *Who will be the main contact person in the division and department to receive the advisory and advise staff to prepare for operational modifications?*

Bob Chrystian, Manager of Parks

Phone - 546-4334

Fax - 546-3972

e-mail - bchrysti@city.hamilton.on.ca

- *Who will be the alternate contact in the division and department in the event the main contact is absent?*

Charlie Guthro, Acting Commissioner of Public Works and Traffic

Phone - 546-4337

Fax - 546-3972

e-mail - cguthro@city.hamilton.on.ca

- *Who will be the key contact to speak to media regarding operational responses on air quality advisory days?*

Bob Chrystian

Alternate - Charlie Guthro

- *What communication means will be used to notify staff of air quality advisories? Note: Environmental Health Branch currently notifies divisional contacts via e-mail.*

e-mail

two-ways

phone

- #### B. See attached chart – entitled: "Department of Public Works and Traffic, Air Quality Advisory Response Plan"

C. Monitoring/Reporting Procedures

- *How will the department monitor the response program?*

For purposes of consistency within the Corporation, it is recommended that the Community Planning and Development Department establish a set of guidelines / criteria that may be relevant and useful in determining / assessing the appropriateness / effectiveness of the program(s).

For the purpose of recording compliance with the Department's plan, Divisional representatives will be requested to confirm with the Departmental contact that required actions were taken.

- *How will the department report results and suggested improvements to the plan?*
- *Identify long term actions that will be undertaken by the department to reduce smog-causing pollutants beyond the advisory days.*

It is difficult to report results and / or identify long term actions without the benefit of empirical data that measures the environmental benefit of actions taken. In other words, as an example, how much pollutant is added to the environment from an idling engine over a 15 minute period. If all we have is anecdotal information and a "gut" feel that what we're doing is beneficial then the short and long term buy-in will only be sporadic and token.

Based on the above, the Community Planning and Development Department is requested to work with implementing operations departments to establish a program for determining / measuring the effectiveness of various initiatives with necessary funding of staff resources to conduct the appropriate.

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
OPERATIONS Attention: A. Dore, Superintendent of Operations R. Yanke, Superintendent of Operations R. Gadawski, Superintendent of Forestry and Special Projects	<ul style="list-style-type: none"> - suspend use of oil based products - restrict vehicle refueling between 10:00 a.m. - 3:00 p.m. - no vehicle idling ***** - concrete re-cycling curtailed - reduce day time street sweeping - suspend use of gas powered equipment, where possible - minimize supervisory and mail run activities ***** 	<ul style="list-style-type: none"> - same actions to be repeated ***** REVISED FOR 2000 - concrete re-cycling suspended - suspend day time street sweeping - suspend use of all non-essential gas/diesel powered tools and equipment during day time - suspend mail run activities and non-essential travel ***** NEW FOR 2000 		<ul style="list-style-type: none"> - big asphalt crew may not be able to do this - other than emergencies

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
PARKS DIVISION Attention: W. Plessl, Co-ordinator Park Development and Maintenance P. Booker, Superintendent Floriculture and Special Events	- suspend use of oil based paints, solvents, - cleaners - restrict vehicle refueling between 10:00 a.m. - 3:00 p.m. 	- same actions to be repeated REVISED FOR 2000 - restrict all sweeping during period between 10:00 a.m. and 3:00 p.m. - restrict grass cutting to sports fields where safety is a concern		
	- postpone sweeping of pathways unless public safety's compromised - suspend grass cutting, trimming and leaf blowing in all satellite locations - suspend use of herbicides and pesticides 	- suspend all leaf blowing and gas powered trimming, between 10:00 a.m. and 3 p.m. - suspend use of pesticides in parks and traffic islands NEW FOR 2000 - no vehicle idling		- unless public safety is compromised

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
CEMETERY DIVISION Attention: R. Zbucki Manager of Cemeteries	<ul style="list-style-type: none"> - no vehicle idling - alert grass cutting contractors of smog advisory - reduce non-essential grass cutting - minimize vehicle usage 	<ul style="list-style-type: none"> - same actions to be repeated REVISED FOR 2000 - reduce to suspend all grass cutting - reduce to suspend all non-essential travel NEW FOR 2000 - request co-operation of contractors to reduce equipment useage during advisories 		<ul style="list-style-type: none"> - staff to be re-assigned to duties involving non-polluting equipment

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
PARKING CONTROL		<p>NEW FOR 2000</p> <p>Do not let vehicles idle more than necessary.</p> <p>Expand bike patrol: use bikes in Queen West and Queen to Wellington:</p> <p>Rotate 6 to 8 officers (volunteer) on the bikes am and pm shifts.</p>	<p>Approximately \$1,200.00 to be recouped in 1 to 2 weeks.</p>	<p>Fuel vehicles at the start of am shift and after 3:30 pm on the pm shift - no refueling between 10 am and 3 pm.</p> <p>Queen to Wellington area is compact, easily covered by bike patrol as well as Queen West. This could remove 2 vehicles from the road for a 16 hour period.</p>

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
<p>PARKING SERVICES</p> <p>Attention: M. Hazel, Manager of Parking Services</p>		<p>NEW FOR 2000</p> <p>Restrict vehicle refueling between 10 am to 3:00 pm.</p> <p>No vehicle idling.</p> <p>Reduce day time garage sweeping.</p> <p>Suspend use of all non-essential gas powered tools and equipment during day time.</p> <p>Suspend use of oil based paints, solvents, cleaners.</p> <p>Suspend grass cutting.</p> <p>Suspend all pavement marking to night shift.</p>		

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
TRAFFIC DIVISION Attention: M. White, Superintendent of Traffic Operations	<ul style="list-style-type: none"> - remove lines on roads during night shift - conduct pavement marking primarily during night shift 	<ul style="list-style-type: none"> - same actions to be repeated REVISED FOR 2000 - suspend all pavement marking to night shift NEW FOR 2000 - reduce vehicle idling where possible - suspend all non-essential vehicle operation and mail runs - where possible conduct only safety related sign and signal maintenance 	<ul style="list-style-type: none"> - for 1-2 day periods, and based on lost production, eligible staff could be allowed to use overtime or vacation. Remaining staff assigned to other duties. Lost production time to be made up could cost \$5,000 - 10,000 per 1-2 day event 	

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
<p>CULTURE AND RECREATION GOLF COURSES</p> <p>Attention: B. Moffatt, Manager of Facility Operations</p>	<p>- use only essential gas fired equipment - suspend all other use</p> <p>.....</p> <p>.....</p>	<p>- same actions to be repeated</p> <p>..... REVISED FOR 2000</p> <p>- essential use of equipment to be scheduled for early morning and only as required</p> <p>..... NEW FOR 2000</p> <p>- investigate new technology - move toward electric powered equipment - investigate night grass cutting</p>		

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

AIR QUALITY ADVISORY RESPONSE PLAN

Division	1999 Smog Advisory Initiatives	2000 Strategy	Potential Cost Implications	Comments / Issues
ALL DIVISIONS	<p>.....</p> <p>.....</p>	<p>- Request community Planning and Development to consult with all Departments involved with external contractors to evolve a corporate position on language suitable for tender documents, contracts etc. for voluntary and/or required cut backs</p> <p>- Request assistance from Community Planning and Development to incorporate into final report the need for direction on policy issues that, if implemented, will help reduce contribution to poor air quality, ie.</p> <p>- naturalization of park land</p> <p>- a traffic signal system designed to minimize stopping and congestion particularly on rush hour routes</p> <p>.....</p> <p>REVISED FOR 2000</p> <p>.....</p> <p>NEW FOR 2000</p>		

CITY OF HAMILTON
- INFORMATION -

A-11
(a.)

DATE: June 20, 2000
File No. TEC-055-00 / Author: T. Arnold

REPORT TO: Chairman and Members
Committee of the Whole

FROM: Charlie Guthro,
Acting Commissioner of Public Works and Traffic

SUBJECT: Royal Canadian Mint – Issuance of New Canadian Coins
(PWT00130) T&E

BACKGROUND:

The Canadian Mint will be issuing new Canadian coins on July 1, 2000, that have a new metal composition and is intended to save in costs. The coins affected are the penny, nickel, dime, quarter and fifty-cent pieces. These coins will look identical to the public and will be in circulation with the current coins.

As a result of this action most coin operated equipment in Canada will be affected due to the change in metal composition which is an integral part of analysing which coins are inserted into the equipment.

This action will have a definite impact on the Parking Services Section as it relates to revenue control equipment such as parking meters, pay and display machines and the pay on foot system at the Convention Centre Garage. The impact is two fold:

- (a) All current equipment must be "re-programmed" to accept these new coins. Staff has worked closely with their various suppliers to co-ordinate this conversion. Unfortunately there is a cost associated with this work. At this time it is estimated that the "reprogramming" will cost approximately \$25,000 - \$30,000. The supplier must perform this work, as staff does not have the training or equipment to undertake the work. These costs can be accommodated within the current Parking Services budget.
- (b) With the addition of four new coins, on top of the existing, the current revenue control equipment cannot handle the additional coin types. In most cases, there must be the elimination of some coin in order to accept the new issue. After much deliberation, staff has concluded that the least impact to the public would be the

SUBJECT:

Royal Canadian Mint – Issuance of New
Canadian Coins (PWT00130) T&E

Page 2

elimination of all U.S. currency and the existing "V.I.P." token currently offered by Parking Services. The U.S. coins collected are very insignificant and should have limited impact on the public. The former Hamilton Parking Authority introduced the "V.I.P." token several years ago, in an effort to encourage validation by area B.I.A.'s. The token program is currently used by the Ottawa Street B.I.A. and the Downtown YWCA and in total there are approximately 3000 in circulation. These agencies will be contacted and advised of the change and will be re-imbursed for the amount paid for the purchase of the tokens.

 *Charles Guthrie*
TA/kag

CITY OF HAMILTON

- RECOMMENDATION -

B-1

DATE: 2000 June 20

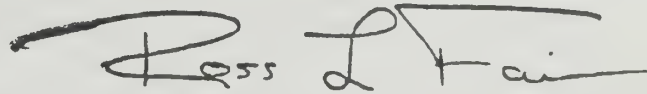
REPORT TO: Chairman and Members
City Committee of the Whole

FROM: R. L. Fair,
General Manager
Community Services Division

SUBJECT: Sale of Alcoholic Beverages – Globe Park
Hamilton and District Slo-Pitch League –August 19, 2000
and September 16 &17, 2000 (CSC00108) P&R

RECOMMENDATION:

- (a) That approval be given to the Hamilton and District Slo-Pitch League to sell alcoholic beverages at Globe Park on August 19th, 12:00 p.m. – 11:00 p.m., 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy; and,
- (b) That approval be given to amend Tournament dates to September 16th and 17th, 12:00 – 11:00 p.m., 2000 from September 15th, 6:00 p.m. – 11:00 p.m. and 16th, 12:00 p.m. – 11:00 p.m. as earlier approved by Council on May 9, 2000.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The recommendations contained in this report do not require Transition Board approval.

The Parks By-Law 95-126 as amended. Section 11, requires that permission be obtained by the applicant, from the City of Hamilton, as the owner of the public park, to sell alcoholic beverages in a public park.

The Municipal Alcohol Risk Management Policy requires that the Hamilton and District Slo-Pitch League provides proof of Commercial and General Liability Insurance, inclusive of Bodily Injury, Property Damage and All Risks Tenants Legal Liability in the amount of \$5 million in include Liquor Liability, naming the city as co-insured.

BACKGROUND:

Council at its meeting of May 9th, 2000 approved the request by the Hamilton and District Slo-Pitch League to sell alcoholic beverages on May 12th and 13th and September 15th and 16th, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy. The Tournament Organizers are required to acquire permission to obtain a Special Occasion Permit for the sale of alcohol during events and/or tournaments. The August 19th, 2000 Tournament is in addition to the dates already requested. This request was received in June 2000.

The September 16th and 17th, 12:00 p.m. – 11:00 p.m., 2000 is an amendment to the already approved dates of September 15th and 16th, 2000. The Tournament Organizers submitted the September tournament dates during their original request for alcohol and it was not until after Council approval that the Organizers realized the error.

Hamilton and District Slo-Pitch League has previously hosted events successfully. Department staff has no record of complaints with respect to the League's conduct and have concluded that the League has continued to carry out its activities responsibly and professionally.

/cs

cc: Ken Duncliffe, Director, Culture and Recreation Department
Bob Chrystian, Manager, Parks Division, Public Works and Traffic Dept.
Bill Moffatt, Manager, Facility Operations

CITY OF HAMILTON

- RECOMMENDATION -

B-2

DATE: 2000 June 28

REPORT TO: Chairperson and Members
City Committee of the Whole

FROM: R. L. Fair, General Manager
Community Services Division

SUBJECT: Sale of Alcoholic Beverages – Mohawk Sports Park
Hamilton Hornets Rugby Club – August 13, 2000
(CSC00115) P&R

RECOMMENDATION:



That approval be granted to the Hamilton Hornets Rugby Club to sell alcoholic beverages at Mohawk Sports Park on August 13th, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The recommendations contained in this report do not require Transition Board approval.

Staff did not receive correspondence requesting approval for this date in time for processing for the June 19, 2000 meeting of Parks and Recreation Committee.

Given the successful record of alcohol management by the Club over the past several years, I am recommending Committee of the Whole consider this at it meeting of July 4, 2000.

All applicable costs are the responsibility of the Hamilton Hornets Rugby Club.

The Parks By-Law 95-126 as amended. Section 11, requires that permission be obtained by the applicant, from the City of Hamilton, as the owner of the public park, to sell alcoholic beverages in a public park.

The Municipal Alcohol Risk Management Policy requires that the Hamilton Hornets provide proof of Commercial and General Liability Insurance, inclusive of Bodily Injury, Property Damage and All Risks Tenants Legal Liability in the amount of \$5 million including Liquor Liability, naming the city as co-insured.

BACKGROUND:

Council at its meeting of May 9th, 2000 approved the request by the Hamilton Hornets Rugby Club to sell alcoholic beverages on May 13, June 3, 10, 14, 18, 25, July 16, August 19, 26, September 9, 16, 23, 30 and October 14 and 15, 2000 by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence and the Municipal Alcohol Risk Management Policy. The above date is in addition to the dates already requested. This new request was received on June 28, 2000.

The Hamilton Hornets Rugby Club has previously hosted tournaments and game day events successfully. Department staff has no record of complaints with respect to the Club's conduct and have concluded that the Club has continued to carry out its activities responsibly and professionally.

cc: Ken Duncliffe, Director, Culture and Recreation
Bob Chrystian, Manager, Parks Division, Public Works and Traffic
Bill Moffatt, Manager, Facility Operations

/cs

CITY OF HAMILTON
- RECOMMENDATION -

B-3

DATE: June 22, 2000

REPORT TO: Chairperson and Members
City Committee of the Whole

FROM: Ross L. Fair
General Manager
Community Services Division

SUBJECT: Amusement Rides in Parkdale Park
Parks By-law 95-126
(CSC 00111) P&R

RECOMMENDATION:

That approval, as required by Parks By-law 95-126 and under the standard Terms and Conditions of the Special Events Guidelines, be given to Big A Amusements to hold amusement rides as a fundraiser in Parkdale Park for Queenston Parent Drop In Centre on July 6-9, 2000 noon – 11:00 pm.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:



The recommendations contained in this report do not require Transition Board approval.

Approval is required by the Parks By-law 95-126.

BACKGROUND:

Big A Amusements has been holding carnival rides in Parkdale Park for over 5 years as a fundraiser for Queenston Parent Drop In Centre.

Staff have met and will continue to work with the event organizer with the planning of this event, to insure all policies and guidelines are adhered to.

/smo

c.c. Alderman D. Wilson, Ward 4
Alderman G. Copps, Ward 4
C. Guthro, Commissioner Public Works and Traffic



MINUTES

CITY OF HAMILTON PARKS AND RECREATION COMMITTEE

Monday, June 19, 2000
1:15 p.m.
Room 233, Hamilton City Hall
71 Main Street West, Hamilton

B-4
(a.)

Present:	Alderman B. Morelli (Chairperson) Aldermen R. Corsini, G. Copps, F. Eisenberger, T. Jackson, D. O'Sullivan
Regrets:	Alderman M. Kiss (Vice-Chairperson) (Illness) Mayor R. M. Morrow (Medical Appointment) Alderman T. Anderson (City Business)
Also Present:	Aldermen B. Charters, A. Horwath R. Fair, K. Duncliffe, G. Makins, D. Wood, S. Merlo-Orzel, H. Kayal, C Guthro, B. Chrystian, W. Plessl, E. Holt, B. Price, B. Dunn, C. Touzel
Alderman B. Morelli, Chairperson, called the meeting to order.	

THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:

1. **Reciprocal Use of Facilities Agreement (CSC00089) (Item 4)**
 - (a) That the proposed Reciprocal Use of Facilities Agreement, attached hereto and marked as Appendix "A", for a service exchange of facilities used by Culture and Recreation Departments and the Hamilton-Wentworth District School Board, be approved for implementation September 1, 2000; and,
 - (b) That the Mayor and Acting Municipal Clerk be authorized and directed to execute the necessary agreement satisfactory to Corporate Counsel; and,

- (c) That this recommendation be forwarded to the Transition Board for approval.

2. East Kiwanis Boys and Girls Club - Prime Consultant Selection (CSC00099) (Item 5)

- (a) That Staff be authorized to issue a Purchase Order to McCallum Sather Architects of Hamilton for the design and contract document preparation for the East Kiwanis Boys and Girls Club in the amount of One Hundred and Ninety Three Thousand and Fifty Dollars (\$193,050) plus applicable GST of Thirteen Thousand, Five Hundred and Thirteen Dollars and Fifty Cents (\$13,513.50) to the total of Two Hundred and Six Thousand, Five Hundred and Sixty Three Dollars and Fifty Cents (\$206,563.50) as the most qualified and acceptable of three (3) fee proposals received in accordance with Request for Proposal documents issued by the Purchasing Department and the interview process; and,
- (b) That a contract satisfactory to Corporate Counsel be entered into between the City and the Consultant; and,
- (c) That the Mayor and Acting Municipal Clerk be authorized to execute the contract on behalf of the City.

3. Hamilton Civic Golf Course - Green Fees - Two Hour Post Twilight Rates (CSC00100) (Item 6)

That a two hour post twilight green fee rate be approved for the Hamilton Civic Golf Courses for the 2000 season as follows: King's Forest \$19; Chedoke - Beddoe \$17; Martin \$15.

4. Hamilton Historical Board - Vision, Mission and Revised Mandate (Item 7)

That the Vision, Mission and revised Mandate of the Hamilton Historical Board, attached hereto and marked as Appendix "B", be approved.

5. External Posting for Chef Assistant and Kitchen Helper Position - Dundurn Coach House (CSC00086) (Item 8.1)

- (a) That permission be granted for the General Manager, Community Services Division, to advertise externally to fill the vacant part-time Chef's Assistant and Kitchen Helper positions at the Dundurn Coach House; and,
- (b) That this recommendation be forwarded to the Transition Board for approval.

6. External Posting for Historical Interpreter Positions - Dundurn National Historic Site (CSC00090) (Item 8.2)

- (a) That permission be granted for the General Manager, Community Services Division, to advertise externally to fill two vacant Historical Interpreter positions at Dundurn National Historic Site; and,
- (b) That this recommendation be forwarded to the Transition Board for approval.

7. Amusement Rides in Parks - Parks By-law No. 95-126 (CSC00102) (Item 8.3)

That approval, as required by Parks By-law No. 95-126 and under the standard Terms and Conditions of the Special Events Guidelines, be given to the following organization to hold amusement rides in a park on the following date and time:

North End Children's Centre – Rainbow Festival on July 6-9, 2000 in Woodlands Park from 12:00 noon – 10:00 p.m.

8. Sale of Alcoholic Beverages - Wentworth Adult Slo-Pitch League - Mountain Arena and Turner Park (CSC00091) (Item 8.4)

- (a) That approval be granted to the Wentworth Adult Slo-Pitch League to sell alcoholic beverages in Mountain Arena on July 21 and 22, 2000 from 12:00 p.m. – 1:00 a.m. and on July 23, 2000 from 12:00 p.m. – 8:00 p.m. and at Turner Park on July 22 and 23, 2000 from 12:00 p.m. – 7:00 p.m. by Special Occasion Permit only, and in accordance with the Terms and Conditions of the Licence, the Municipal Alcohol Risk Management Policy and all applicable Insurance; and,

- (b) That approval for a one-time exception for alcohol advertising be granted to the tournament national sponsor, Molson Breweries in Mountain Arena and Turner Park during the tournament only.

9. Public-Private Partnership - Multi-Pad Arena and Sports Complex - Negotiations with Next Preferred Proponent (CSC00107) (Item 9)

- (a) That the General Manager, Community Services Division, be authorized to cease negotiations with JBK/Arena Corp. Inc.; and,
- (b) That the General Manager, Community Services Division, and the General Manager, Finance, be authorized to enter into Stage 3 of the Request for Proposal process - Negotiations with Rose Technology being the next preferred proponent selected from the Stage 2 - Evaluation of Detailed Responses to the RFP; and,
- (c) That, if in the event negotiations with Rose Technology do not resolve outstanding issues relative to the proposal, that Staff report back to the Parks and Recreation Committee.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes - May 1, 2000 (Item 2)**

That the Minutes of the Parks and Recreation Committee for its meeting held May 1, 2000 be adopted.

(c) **Delegations/Presentations (Item 3)**

- (i) **Presentation of Certificate of Appreciation to the Bay Area Restoration Council for Assistance with Tree Planting on Hamilton Harbour Waterfront Trail (Item 3.1)**

Dr. Mark Sproule-Jones, Stacey Cherwaty and Marilyn Baxter, Bay Area Restoration Council, were presented with a Certificate of Recognition for their assistance in co-ordinating approximately 600 volunteers to plant trees along the Hamilton Harbour Waterfront Trail.

- (ii) **Hamilton Harbour Commissioners Cheque Presentation for Sponsorship of Benches for the Hamilton Harbour Waterfront Trail (Item 3.2)**

Ray Harris, accompanied by Brian Hinkley, Members of the Hamilton Harbour Commissioners, presented the City with a cheque in the amount of \$15,000 for the sponsorship of benches for the Hamilton Harbour Waterfront Trail.

The Hamilton Harbour Commissioners welcomed the opportunity to partner with the City and were thanked for their involvement with this project.

(d) **Hamilton Historical Board - Vision, Mission and Revised Mandate (Item 7)**

The Hamilton Historical Board was congratulated for its work in this regard.

(e) **External Posting for Historical Interpreter Positions - Dundurn (CSC00090) (Item 8.2)**

Recommendation (a) was amended to change the words "Dundurn Castle" to "Dundurn National Historic Site".

(f) **Sale of Alcoholic Beverages - Wentworth Adult Slo-Pitch League - Mountain Arena and Turner Park (CSC00091) (Item 8.4)**

Aldermen Copps and Jackson were recorded as opposed.

(g) **Information Items (Item 8.5)**

That the following items previously distributed to Members of Committee under separate cover, be received:

- (a) General Manager Approved Sport Field Special Events (CSC00103)
- (b) School Closure Meeting (CSC00104)
- (c) International Museums Day (CSC00087)
- (d) King's Forest - Red Hill Creek Remediation (CSC00092)
- (e) Minor Hockey Program for the Scott Park Community (CSC00105)
- (f) Hamilton Harbour Waterfront Trail Donations/Services 'In Kind' Update (PWT00109)
- (g) Supply and Installation of Asphalt Paving at Waterfront Trail, Bayfront Parking Lot and Harbourfront Drive (PWT00121)
- (h) Executive Committee of the International Children's Games and Millennium Festival - Minutes of Meeting held May 1, 2000
- (i) Executive Committee of the International Children's Games and Millennium Festival - Minutes of Meetings held May 29 and June 3, 2000
- (j) New Mum Show Sub-Committee - Minutes of Meetings held April 6 and April 27, 2000

(h) **Request for Information on the Royal Botanical Gardens (Item 10 - New Business)**

Bernice Price, member of the Hamilton Senior's Council, indicated that she received some comments following a recent visit to the Royal Botanical Gardens on why citizens of the Region have to pay for admittance to the RBG when the Region gives the RBG a considerable grant each year. The Committee agreed to refer this request for information to the Region's Finance and Administrative Services Committee for a response to Mrs. Price.

**(i) Public-Private Partnership - Multi-Pad Arena and Sports Complex -
Negotiations with Next Preferred Proponent (CSC00107) (Item 9)**

The Committee moved in camera to discuss a matter of potential litigation.

The Committee reconvened in open session and amended subsection (c) of Report CSC00107 to read as follows:

- (c) That, if in the event negotiations with Rose Technology do not resolve outstanding issues relative to the proposal, that Staff report back to the Parks and Recreation Committee.

The main motion as amended, was carried.

Note: The meeting of the Parks and Recreation Committee adjourned at 2:20 p.m.

**Alderman B. Morelli, Chairperson
Parks and Recreation Committee**

**Charlene Touzel, Legislative Assistant
June 19, 2000**

**Appendix "A" as referred to in Section 1(a)
of Report 08-00 and the Minutes of the Parks and
Recreation Committee for its meeting held June 19, 2000**

Reciprocal Use of Facilities

The following is a template for an all inclusive reciprocal use agreement between the Hamilton Wentworth District School Board of Education (the "Board") and the municipalities of the Wentworth Region.

For the implementation of this agreement on September 1st, 2000 and for the purposes of this agreement ONLY, the City Hamilton, the City of Stoney Creek, the Town of Flamborough, the Town of Ancaster, the Township of Glanbrook and the Town of Dundas shall be identified as one entity (the "City").

Commencing January 1st, 2001, this agreement shall be between the Hamilton Wentworth District School Board (the "Board") and the City of Hamilton ("the City").

Please note that this agreement is subject to adoption by the Municipal Councils for the City of Hamilton, the City of Stoney Creek, the Town of Flamborough, the Town of Ancaster, the Township of Glanbrook and the Town of Dundas at their respective May meeting(s), and acceptance by the Transition Board for the new City of Hamilton.

.....

Whereas the City owns and operates recreation centres that are attached to the schools owned by the Board;

And whereas the City owns and operates recreation facilities that are NOT associated with any specific school owned by the Board;

And whereas the Board owns and operates gymnasias located within schools owned by the Board;

And whereas both the City and the Board utilize the services and facilities of the other party;

And whereas the parties wish to enter into an Agreement to equalize the cost of the services and facilities provided by each party;

And whereas Section 183 of the Education Act, R.S.O. 1990, chapter E.2 authorizes a School Board to enter into an agreement with a municipality for the purpose of establishing and providing for the maintenance and operation of facilities on the property of the parties to such an agreement, for such cultural, recreational, athletic, educational, administrative or other Community purpose;

Now therefore, this agreement witnesseth that, in consideration of the covenants and Agreements herein, the parties agree as follows:

1. The Board agrees to provide the facilities with the exception of those listed on Schedule 'A' to the City at the rates and level of service hours on Schedule 'B'.
2. The City agrees to provide the facilities with the exception of those listed on Schedule 'A' to the Board at the rates and level of service hours on Schedule 'B'.
3. The Board shall provide to the City, a comprehensive list of dates and times available at school facilities, by the third Monday of June for the following September to June school year.
4. The City shall provide to the Board, a comprehensive list of dates and times available at the municipal facilities, by the second Monday of September for that school year.
5. The Board shall have the right to use the municipal facilities, with the exception of those listed on Schedule 'A', during the school hours (8:00 a.m. to 6:00 p.m.) The Board shall give the City a

monthly schedule of the Board's intended use of the Centres at least 10 days before the end of the month proceeding the use period.

6. In those Recreation facilities containing a pool, the City will provide one (1) lifeguard in accordance with the Health Protection and Promotion Act during the Board's use
7. Please note that the usage of Municipal Pools is also predicated on the availability of a qualified lifeguard(s). Additional guards (required for more than 20 participants) are subject to availability and a separate charge. It is understood that lifeguards are specialized entities required by Provincial Statute governing public pools, and as lifeguards are a part-time position with the Department of Parks and Recreation, their availability cannot be guaranteed.
8. The City shall have the right to use the gymnasia of the Board's schools, with the exception of those listed on Schedule 'A', evenings (6:00 P.M. – 10:00 P.M.) on Monday to Friday and on weekends for the hours and duration set out on Schedule 'B'. The City shall give the Board a monthly list of the City's intended use of the Board's facilities at least 10 days before the end of the month proceeding the use period.
9. It is understood and accepted, that on occasion, school programming and maintenance may necessitate delayed start to the City's program to a particular school facility; further, City programming and maintenance may necessitate delayed start to school usage of a particular municipal facility. If possible, prompt and courteous notice of five (5) business days through and to the involved school principal, the involved facility manager, and the Accommodations and Planning Department is requested.
10. Either party may cancel and/or withdraw the availability of any particular facility from the other upon prompt and courteous notice of five (5) business days through and to the involved school principal, the involved facility manager and Accommodation and Planning Department.
11. Both parties owe its own duty of care to all invited or uninvited persons on its premises. As such, each party will take all reasonable efforts to protect its property, premises and patrons. Associated costs are the direct responsibility of the property owner and, where agreed in writing be accounted for when balancing the exchange of service.
12. Each party agrees to keep records on the use of that party's facilities by the other.
13. In the event one party does not utilize all the services as listed in Schedule 'B', no credit shall be given to that party by the other party.
14. The Agreement shall commence on September 1st, 2000, and shall be terminated on August 31st, 2001, and shall contain an option for the three (3) year renewal of the agreement until August 31st, 2003. This renewal option is subject to the approval of both parties elected bodies and reviewed annually.
15. The City may make regulations on the use of the recreation facilities. The City will provide the Board with a copy of these regulations on the same schedule as outlined in #3.
16. The Board may make regulations on the use of the school facilities. The Board will provide the City with a copy of these regulations on the same schedule as outlined in #3.
17. Any party requiring services of facilities greater than shown on Schedule 'B' shall request the services from the other party and be advised whether the service or facility is available and the cost of the service or facility.
18. The parties agree that the rates shown on Schedule 'B' will remain constant until August 31st, 2001. After such time, the parties agree that the rates shown on Schedule 'B' may change, and agree it shall

give annual price settings as both parties are bound by budgets. If the parties fail to negotiate an agreement as to the prices, the other party may specify a change in services requested or may cancel this Agreement under the provision of Article.

19. The Board agrees to indemnify and save harmless the City from any and all claims, demands, actions, suites or proceedings that may arise out of the Board's use of the City's facilities unless caused by the negligence of the City.
20. The City agrees to indemnify and save harmless the Board from any and all claims, demands, actions, suites or proceedings that may arise out of the City's use of the City's facilities unless caused by the negligence of the Board.
21. Either of the parties may terminate this Agreement on six (6) month's notice to the other party.
22. This Agreement shall be governed by, and construed under the laws of the Province of Ontario.
23. No amendment, modification or supplement to the Agreement shall be valid or binding unless set out in writing and executed by the parties hereto.
24. This Agreement contains the entire agreement between the parties hereto with respect to the subject matter thereof. The Board acknowledges and agrees that it has not relied upon any statement, representation, agreement or warranty of the City except as set out in this Agreement.
25. In construing this Agreement, words in the singular shall include the plural, and vice versa, and words importing the masculine shall include the feminine, the neuter and vice versa, and words importing persons shall include corporations and vice versa.
26. This Agreement shall ensure to the benefit or, and be binding upon, each of the parties hereto, and each of their respective successors and assigns.
27. The parties agree to respect applicable provincial and local laws and statutes; and local Collective Agreements, policies and procedures
28. This agreement will be expanded to include the use of fields for the Summer 2001.
29. Any notices required or permitted to be given hereunder shall be sufficiently given if delivered or mailed by pre-paid registered mail as follows:

If to the City:

The City Clerk
The Corporation of the City of Hamilton
City Hall
71 Main Street West, P. O. Box 2040
HAMILTON, Ontario

Appendix "B" as referred to in Section 4
of Report 08-00 and the Minutes of the Parks and
Recreation Committee for its meeting held June 19, 2000

HAMILTON HISTORICAL BOARD

VISION

We will be recognized as community leaders in fostering appreciation and enjoyment of our cultural heritage for present and future generations.

MISSION

The Hamilton Historical Board, a volunteer advisory body, is dedicated to conserving and celebrating our communities' cultural heritage by creating and enhancing our living and learning environments.

MANDATE-HAMILTON HISTORICAL BOARD

1. To advise and recommend to the Parks and Recreation Committee on policy matters pertaining to the evaluation, acquisition, development, operation, maintenance and disposition of municipal museums, their grounds, structures and collections.
2. To advise and recommend action to the Parks and Recreation Committee on matters concerning our communities prehistoric and historic heritage.
3. To celebrate events, individuals, structures, and properties in our communities of historical significance and interest.
4. To promote public appreciation of our common historical heritage.
5. To promote heritage conservation and to initiate special projects designed to encourage public awareness of and enjoyment in prehistoric and historic heritage of our communities.
6. To promote broader understanding of the principles and practices of heritage conservation.
7. To encourage the preservation of our communities' documentary heritage, including written records, photographs, maps, architectural drawings, film footage, sound recordings, and documentary art.
8. To liaise with other historical groups and agencies, both within and outside our community and to operate joint programs where feasible.

CITY OF HAMILTON
- RECOMMENDATION -

C-1

DATE: 2000 June 22
ZAR-00-19
Kirkendall North

REPORT TO: Chairman and Members
City Committee of the Whole
(Planning and Development Committee)

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Request for a removal of the 'H' Holding Provision for lands located at No. 220 Dundurn Street South (PDC00121)

RECOMMENDATION:

- (a) That the approval be given to Zoning Application ZAR-00-19, Adam J. Stelmadzynski (Dundurn Street Lofts Inc.), owner, for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion and expansion of an existing building for 60 residential apartment units, for lands located at No. 220 Dundurn Street South, as shown on the attached map marked as APPENDIX "A"; and,
- (b) That the Director, Land Development Department, Community Planning and Development Division, be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 98-24, and Zoning District Map W-23 for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the By-law is to remove the 'H' (Holding) symbol, for the lands located at No. 220 Dundurn Street South, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding provision was placed on the lands pending:

- a) The submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.
- b) The submission to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment.

- c) The submission to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures.

Upon removal of the 'H' holding provision, the effect of the By-law is to permit development of the subject lands for 60 condominium apartment units, in accordance with the "DE" (Low Density Multiple Dwellings) District provisions, as set out under By-law No. 98-24.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, City Council shall pass a by-law to remove the 'H' Holding symbol when the conditions have been satisfied.

BACKGROUND:

Zoning Application ZAC-97-26 and Official Plan Amendment 143

City Council approved Zoning Application ZAC-97-26 and Official Plan Amendment (OPA) 143 on October 28, 1997. The purpose of OPA 143 is to redesignate the lands located at No. 220 Dundurn Street South, as shown on APPENDIX "A", from "Major Institutional" to "Residential" and to establish a "Special Policy Area" to allow residential development within 400 metres of a heavy industrial area. The OPA was approved by the Region on April 8, 1997.

The purpose of Zoning Application ZAC-97-26 was to rezone the subject lands, as shown on APPENDIX "A", from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" - 'H' (Low Density Multiple Dwellings – Holding) District, modified. The purpose of the rezoning is to allow conversion and expansion of the existing warehouse building for 60 condominium apartment units. The implementing By-law No. 98-24 was passed by Council on December 11, 1997. In addition, By-law No. 98-24 applied the 'H' holding symbol provision to the subject lands, pending submission of a signed Record of Site Condition to the Region and the Ministry of the Environment and completion of the appropriate studies respecting noise, odour and dust impacts, to the satisfaction of the Region.

Site Plan Control Application DA-98-27

Site Plan Control Application DA-98-27 received conditional approval on October 13, 1998, for the 60 unit condominium development at 220 Dundurn Street South. One of the conditions of Site Plan approval is:

"the applicant applying for, and receiving final approval, to remove the 'H' (Holding) symbol from By-law 98-24, and that applicable recommendations of the required studies be incorporated into the final plans and/or site plan agreement to the satisfaction of the Director, Planning and Development and City Solicitor."

COMMENTS:

A series of studies (RSC and noise reports) have been submitted for the proposal. The RSC has been acknowledged by MOE. As a result of the review of the environmental studies and a site visit, an assessment of dust and odour does not appear to be warranted in this case. The findings of the noise studies recommend:

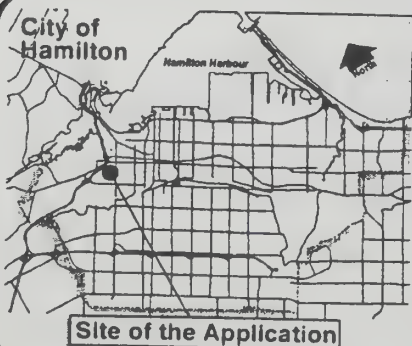
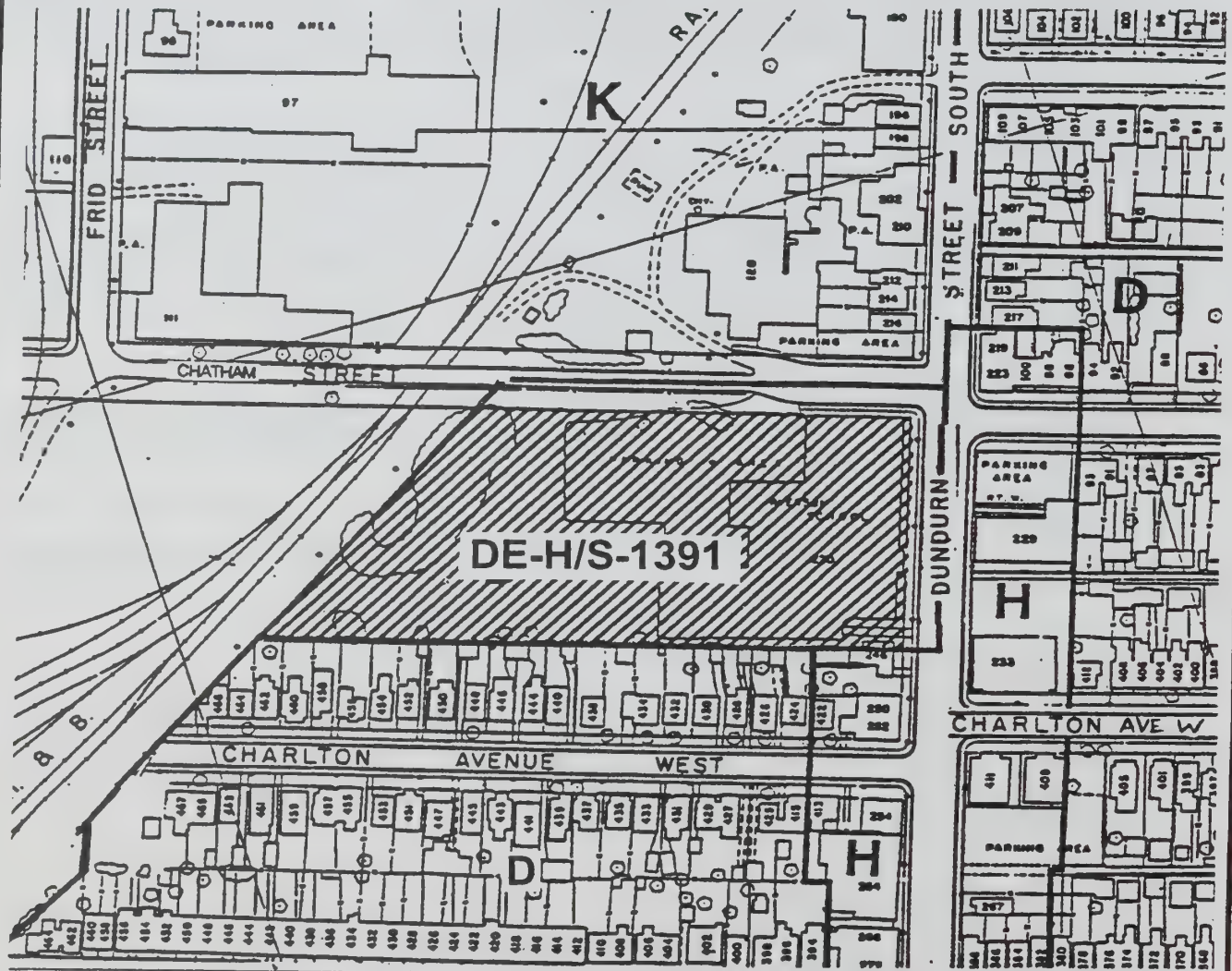
- that MOE Guidelines (noise standards) can be met if double glazed thermopane windows are installed and a central air conditioning system (the study's preferred attenuation method) is incorporated into the building;
- a noise warning clause is included in rental/sales agreements or registered on title; and
- to ensure implementation of the noise control measures checks be made at the building permit and occupancy permit stages in the process. This could involve the Building Department ensuring that prior to issuance of building permits, plans are reviewed to make sure that the noise control measures are incorporated and that prior to occupancy permits an inspection verifies that these measures have been properly installed and constructed.

As noted above, as a condition of DA-98-27, final Site Plan approval will not be given until methods are in place to implement the above mitigation measures. Notes can be included on the final plans to ensure the proper checks, as recommended by the noise study, are carried out. Furthermore, the proposal will involve a future application for approval of a plan of condominium. The noise warning clause can be incorporated into the condominium agreement.

Based on the foregoing, the three conditions (RSC, noise and dust and odour) of the holding provision as set out in By-law No. 98-24 have been satisfied. Accordingly, it would be appropriate to remove the 'H' holding provision and permit redevelopment of the lands in accordance with the "DE" (Low Density Multiple Dwellings) District provisions.

CONCLUSION:

On the basis of the foregoing, the application can be supported.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend



Site of the Application

Reference file:
ZAR-00-19

Scale
Not to Scale

Date
JUNE, 2000

Technician:
D.L.

CITY OF HAMILTON
- RECOMMENDATION -

C-2

DATE: 2000 June 22
ZAC-00-20 (ZAC-99-14)
Stinson Neighbourhood

REPORT TO: Chairman and Members
City Committee of the Whole
(Planning and Development Committee)

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Request for removal of the 'H' Holding provision for lands located at
No. 54-56 Alanson Street (PDC00122)

RECOMMENDATION:

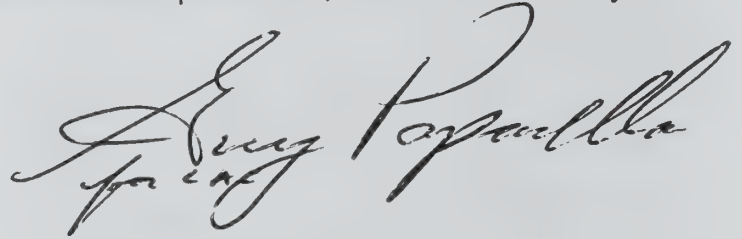
- (a) That the approval be given to Zoning Application ZAR-00-20, Alanson Lofts Inc, (c/o Ray Wein), owner, for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion the existng two (2) storey building into a multiple dwelling containing six (6) dwelling units, for lands located at No. 54-56 Alanson Street, as shown on the attached map marked as APPENDIX "A"; and,
- (b) That the Director, Land Development Department, Community Planning and Development Division be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 99-136, and Zoning District Map E-14 for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the By-law is to remove the 'H' (Holding) symbol, for the lands located at No. 54-56 Alanson Street, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding provision was placed on the lands pending:

- a) The submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE.
- b) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region.

Upon removal of the 'H' holding provision, the effect of the By-law is to permit the development of the subject lands for a multiple dwelling containing six (6) units within the existing two (2) storey building, in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified provisions, as set out under By-law No. 99-136.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

As required by the Planning Act, City Council shall pass a by-law to remove the 'H' Holding symbol when the conditions have been satisfied.

BACKGROUND:

Zoning Application ZAC-99-14

The Planning and Development Committee and City Council approved Zoning Application ZAC-99-14, by H&R Wein Construction, owner, on August 11, 1999, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "D" - 'H' ((Urban Protected Residential – One and Two Family Dwellings, etc. – Holding) District, modified to permit conversion of the existing two (2) storey building into a multiple dwelling containing six (6) dwelling units, for property located at 54-56 Alanson Street. In addition, the amending by-law applied the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

- i) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
- ii) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in By-law 99-136 by enactment of an amending By-law once the conditions are fulfilled.

By-law 99-136 came into effect on October 26, 1999.

Site Plan Control Application DA-99-61

Site Plan Control Application DA-99-61 has been received and is under review. It is anticipated that it will go forward for approval upon completion of the removal of the holding provision.

COMMENTS:

A series of studies (RSC and noise reports) have been submitted for the proposal. The RSC has been acknowledged by MOE. The findings of the noise study indicate that MOE Guidelines (noise standards) may be exceeded, especially for units #3 and #6 that are next to the rail line. Mitigation will be accomplished through increased thickness of the thermal double pane windows, specific door construction, and orientation of the bedroom spaces in the open concept units, away from the windows. In addition, central air conditioning will be installed and warning clauses incorporated into rental or purchase agreements.

It is also recommended that to ensure implementation of the noise control measures checks be made at the building permit and occupancy permit stages in the process. This could involve the building department ensuring that prior to issuance of building permits, plans are reviewed to make sure that the noise control measures are incorporated and that prior to occupancy permits an inspection verifies that these measures have been properly installed and constructed.

Noise warning clauses need to be placed on title, in rental/sales agreements for this site and if possible incorporated into any subdivision/condominium agreement. The following wording is suggested:

- Purchasers/tenants are advised that despite the inclusion of mitigation measures within the building units, sound and vibration levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria.

In addition CP Rail requires the following warning clause:

- Warning: Canadian Pacific Railway or its assign or successors in interest have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to, or expansion of, the railway facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CP Rail will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

As a result, the conditions (RSC, noise and vibration) regarding the holding provision in the zoning affecting this site have been satisfactorily resolved. As a condition of DA-99-61, final Site Plan approval will not be given until methods are in place to implement the

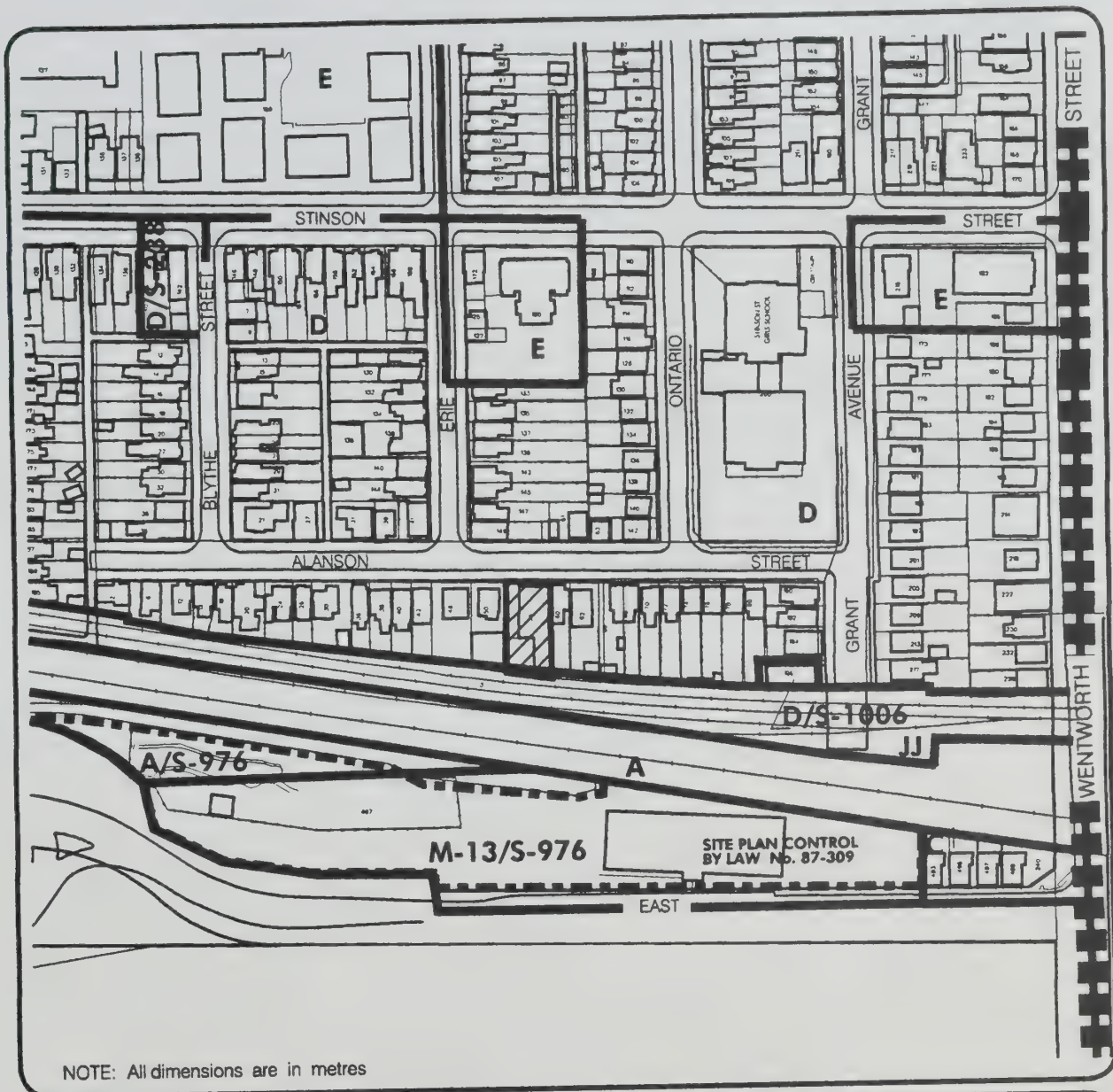
above mitigation measures. Notes can be included on the final plans to ensure the proper checks, as recommended by the noise study, are carried out. Furthermore, it is the applicant's intent to apply for condominium approval. Therefore, the proposal will involve a future application for approval of a plan of condominium. The noise warning clause can be incorporated into the condominium approval agreement.

Based on the foregoing, the two (2) conditions (RSC, Noise and Vibration Study) of the holding provision as set out in By-law No. 99-136 have been satisfied. Accordingly, it would be appropriate to remove the 'H' holding provision and permit redevelopment of the lands in accordance with the 'D' District modified provisions.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

Jl/jl



<p>City of Hamilton</p> <p>Site of the Application</p>	<p>Community Planning and Development Division</p> <h2 style="text-align: center;">Location Map</h2>	
	<p style="text-align: center;">Legend</p>	
	<p>Change in Zoning from:</p> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> <p>"D" - "H" (Urban Protected Residential - One and Two Family Dwellings - Holding) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified</p> </div>	
	<p>Reference File No.</p> <p style="text-align: center;">ZAR-00-20</p>	<p>Scale</p> <p style="text-align: center;">NOT TO SCALE</p>
	<p>Date</p> <p style="text-align: center;">June, 2000</p>	<p>Drawn By</p> <p style="text-align: center;">B. B.</p>
<p style="text-align: center;">APPENDIX 'A'</p>		

C-3

CITY OF HAMILTON
RECOMMENDATION

DATE: June 19, 2000

REPORT TO: Chairman and Members
City Committee of the Whole (PID)

FROM: Dr. Elizabeth Richardson
Acting General Manager and
Medical Officer of Health
Social and Public Health Services Division

SUBJECT: Core Heritage 2000 Program
173 King Street East, Hamilton (HSB00010)

RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of twenty thousand dollars (\$20,000) to 683469 Ontario Ltd., registered owner of 173 King Street East, be approved.


Dr. Elizabeth Richardson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of \$20,000 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is \$161,628.

Based on review of Transition Board guidelines, staff has concluded that Transition Board approval is not required as this recommendation is within the parameters of a previously approved program and fund.

BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of \$20,000; those with a frontage exceeding 40 feet are eligible to receive an additional \$500 per linear foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional \$5,000 matching grant.

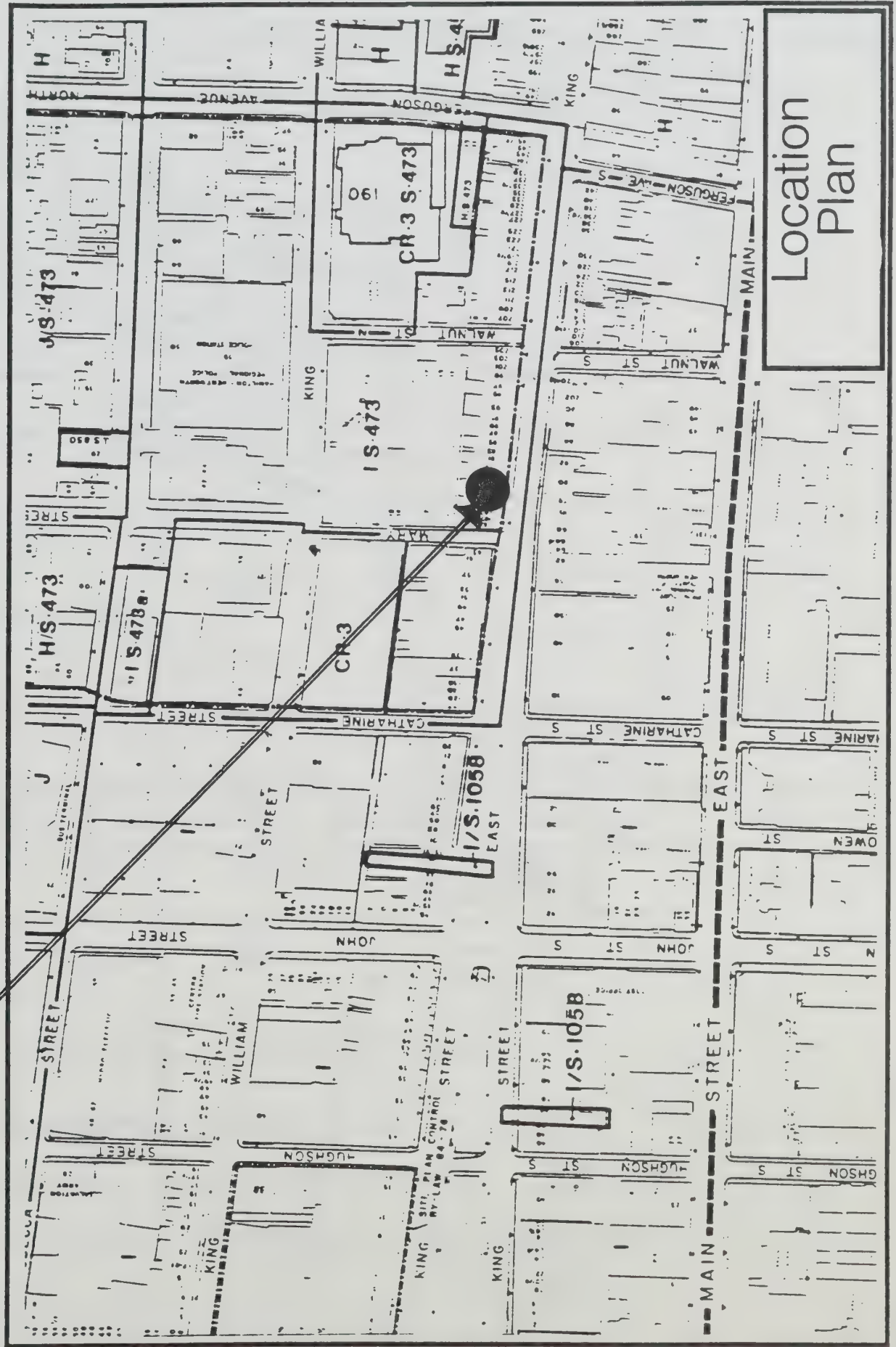
The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes restoration of the upper façade and storefront.

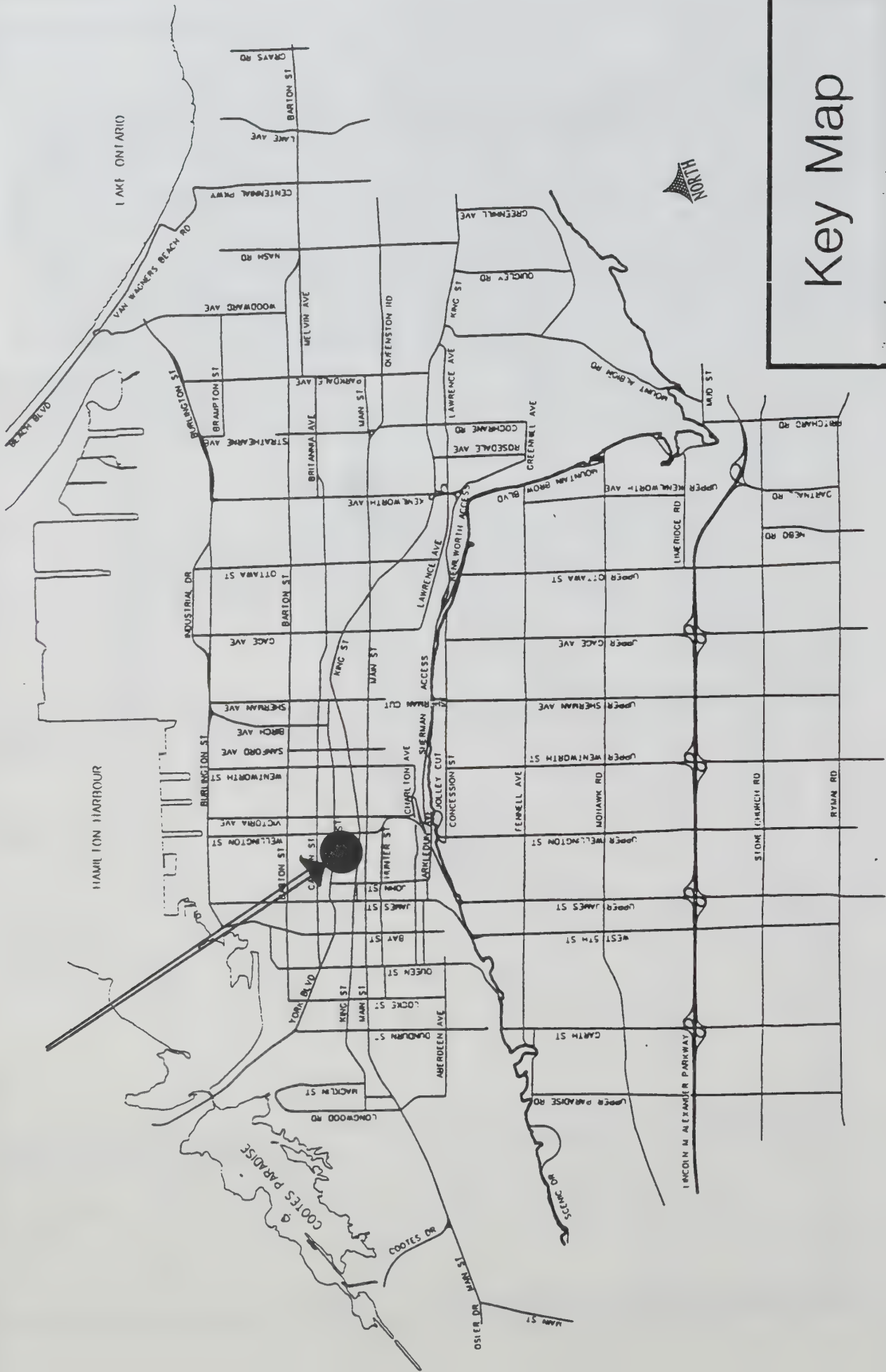
On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of \$20,000.

ER/MM/dk

Cc R. Camani, Finance Division
 A. Gillespie, Planning and Development Department
 M.V. Mascarenhas, Housing and Shelter Branch

173 King Street East, Hamilton
HSB00010





Key Map

C-4

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 2000 June 19
A-99:256
Greeningdon Neighbourhood

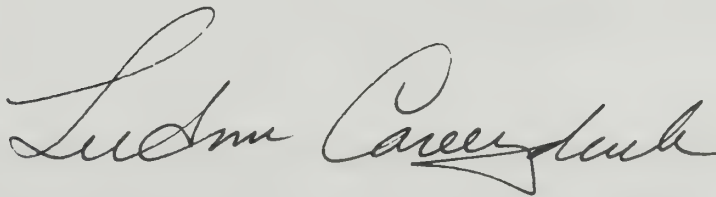
REPORT TO: Chairman and Members,
City Committee of the Whole (P&D)

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Proposed Site Plan Control By-law for lands located at No. 164
Limeridge Road East - (PDC00117)

RECOMMENDATION:

- A. That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be further amended by adding the lands located at No. 164 Limeridge Road East, as shown on the attached APPENDIX "A".
- B. That the General Manager of The Community Planning and Development Division be directed to prepare the necessary By-law, to amend By-law No. 79-275, in a form satisfactory to Corporate Counsel, for presentation to City Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This matter does not require Transition Board Approval.

Council approval is required to place the lands under Site Plan Control.

CITY OF HAMILTON

- RECOMMENDATION -

C-5

DATE: 2000 June 16
CI 83-B

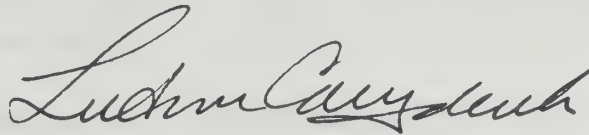
REPORT TO: Chairman and Members, (Planning and Development Committee)
City Committee of the Whole

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Site Plan Fees – Hamilton Beach Strip (PDC00119)

RECOMMENDATION:

That City Council establish a special site plan fee of \$1,130 (equivalent fee of a revision to a site plan) for single and two family dwellings development along the Hamilton Beach strip (outside the proposed Heritage Conservation District area) that require the submission of a site plan and grading plan only.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This report does not require Transition Board approval.

This new fee will not decrease the projected 2000 revenues since it is a new area that was recently placed under site plan control and the submission of site plans for this area was not included in the 2000 budget. It is expected that approximately three to four applications a year will be received in this area.

BACKGROUND:

By-law No. 99-171 placed the Hamilton Beach Strip under site plan control for the purposes of obtaining a grading plan for all properties. Site plan control is a standard condition for multi residential, commercial and other non residential developments through out the City; however single and two family dwellings generally are exempt. The purpose of placing the entire area under site plan control was to ensure that grading for new buildings was approved in accordance with the Master Drainage Plan. In addition, should there be any concerns with the grading of the property, the City can enter onto the land and correct any problems, if necessary.

In cases of single and two family dwelling developments, the owner would be required to submit **only** a grading plan and site plan, provided the property is located outside the proposed Heritage Conservation District. Since the scope of the site plan is narrower than a regular site plan (i.e. building elevations, parking, landscaping, grading, on-site circulation, etc) and the review of the plan will be within the Community Planning and Development Division; it would be appropriate to consider a fee of \$1,130 instead of the full site plan fee of \$3,075.00. This fee and the amount of work required is equivalent to the revision of an existing site plan. It should be noted the fee for development within the proposed Heritage Conservation District should remain at the full fee since the City will be reviewing building elevations, landscaping, grading etc.

CONCLUSION:

Based on the foregoing, it would be appropriate for City Council to consider reducing the site plan control fee to \$1,130 for single and two family dwelling developments (outside the proposed Heritage Conservation District area) on the Beach strip only.

JHE

CITY OF HAMILTON

PDC June 21/00
Tabled to County
of July 4.

- RECOMMENDATION -

DATE: 2000 June 6
ZAC-00-17
Westcliffe West Neighbourhood

C-6

REPORT TO: Chairman and Members of the
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Committee

SUBJECT: Request for a further modification in zoning – South east corner of
Sanatorium Road and Scenic Drive (PDC00105)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-00-17, Columbia International College, applicant, requesting a further modification to the "AA" (Agricultural) District to permit the conversion of the existing building for use as a student dormitory for Columbia International College, for property located at the south east corner of Sanatorium Road and Scenic Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 96-152, be further modified to the extent only of the special requirement that:
 - (i) Notwithstanding Section 4(a) of By-law 96-152 applicable to the subject lands, a private student residence for not more than 250 students attending Columbia International College shall be permitted only within the existing building;
 - (ii) For the purposes of this By-law, a "Student Residence" means a building used for the purpose of accommodating students in dwelling units or other separate quarters provided that such building may include common areas and cooking and dining facilities;
 - (iii) Notwithstanding Section 18A (1) of By-law No. 6593, not less than 200 parking spaces shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19 of Zoning By-law No. 6593, as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 be notated S-1363a;

- (c) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-36 for presentation to Council; and
- (d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a further modification to the "AA" (Agricultural) District regulations, for lands located at the south east corner of Sanatorium Road and Scenic Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a private student residence for not more than 250 students attending Columbia College only within the existing building.

In addition, the By-law provides for the following variances:

- a "student residence" means a building used for the purpose of accommodating students in dwelling units or other separate quarters provided that such building may include common areas and cooking and dining facilities; and,
- not less than 200 parking spaces shall be provided and maintained on the lot.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is not required.

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider applications to amend the Zoning By-law.

BACKGROUND:

Proposal

The applicant is requesting a further modification to the "AA" (Agricultural) District regulations to use the existing building at the south east corner of Sanatorium Road and Scenic Drive to accommodate a students' residence to accommodate up to 250 Columbia College students.

The existing building is presently used by Mohawk College as a teaching facility for the Health Sciences Program. The building was originally constructed and used as a residence for nursing school students and has been designed to include similar facilities required by the applicant. For example, the building currently contains +/- 150 rooms, which would be converted to dormitory rooms. In addition, an existing central cafeteria will continue to be utilized for meals (ie. no kitchen facilities will be provided within the rooms). Students will be

bussed from the residence to the college campus at Main Street West. However, there are approximately 230 existing parking spaces adjacent to the building which will be maintained (see APPENDIX "B" attached). The applicant is intending to make internal modifications to the building and does not contemplate external changes to the building or grounds at this time.

The subject property is approximately 4.8 ha (12 acres). A number of administrative buildings exist to the south of the proposed residence. Accordingly, it is the applicant's intent to make an application for consent of the proposed residence (ie. 2.36 ha (5.8 acres)) from the remainder of the property (see APPENDIX "C" attached).

Official Plan Amendment No. 135 and By-law No. 96-152

Official Plan Amendment No.135 and By-law No. 96-152 implement the findings of the Chedmac Neighbourhood Plan review. O.P.A. No. 135 designated the subject lands, in conjunction with adjacent lands to the west and south, as "Institutional" in recognition of their association with Chedoke-McMaster Hospitals. By-law No. 96-152 reflects the Official Plan designation and limits permitted uses to hospital and accessory medical uses and related parking, day nursery, a residential care facility for not more than 40 persons; a sanatorium; medical offices; and a laboratory.

By-law No. 89-220

City Council, on July 26, 1989, passed By-law No. 89-220 to modify the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to lands located at 1033 Main Street West (at the south west corner of Main St. West and the access ramp to Highway 403) for:

- a commercial school for secondary school level education (Columbia International College); and,
- a combined lodging house and multiple dwelling with not more than 9 multiple dwellings and not more than 198 students in the lodging house who are students of the commercial school.

The proposed students' residence is to provide additional accommodation off-site for students attending Columbia International College at 1033 Main St. West.

Zoning Application 00-06

At its meeting of May 9, 2000, Council adopted the recommendation of the Planning and Development Committee to approve Zoning Application 00-06 to permit a modification to the established "C" District zoning for lands located at 1015 Main Street West. The purpose of the application is to permit a commercial school (Columbia College) for secondary level education within the existing building (former Ainslie Wood Vocational School).

Committee of Adjustment Application A-95:137

At its meeting of July 5, 1995, the Committee of Adjustment approved Application A-95:137 to permit the conversion of an existing hotel for use as a private student residence for 300

students on lands located at 55 Catharine Street South in conjunction with Columbia International College. Further, the existing 111 car parking spaces on the site were to be maintained.

APPLICANT:

Columbia International College, applicant.

LOT SIZE AND AREA:

Proposed Residence

- A frontage of approximately 304m (997 feet) on Sanatorium Road;
- A variable depth; and,
- A lot area of approximately 2.36 ha (5.8 acres).

Total Property

- A frontage of approximately 465m (1,525 feet) on Sanatorium Road;
- A variable depth; and
- A lot area of approximately 4.85 ha (11.9 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Mohawk College teaching facility	"AA" (Agricultural) District, modified
<u>Surrounding Lands</u>		
To the north	Baseball diamond	"AA" (Agricultural) District, modified
To the east	Single family dwellings	"B-1" (Suburban Agricultural and Residential, etc.) District and "B-2" (Suburban Residential) District
To the south	Institutional	"AA" (Agricultural) District, modified

To the west

Stormwater management
pond and vacant

"A" (Conservation, Open
Space, Park and Rec-
reation) District

OFFICIAL PLAN:

The subject lands are designated **Major Institutional** on Schedule "A" – Land Use Concept of the Official Plan. The following policies, amongst other, apply:

"A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious and governmental activities and accessory uses.

However, such uses less than 0.4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsection A.2.1 and C.7 of this Plan.

A.6.1.2(ii) It is intended that the Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional health facility. In accordance with the attached Schedule "J-1" – Chedmac Planning Area Secondary Plan, Subsection A.2.6 – Major Institutional Uses of this Plan and the following policies:

- a) New major institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- b) New major institutional recreational facilities shall be designed in a comprehensive manner with existing recreational facilities.
- c) The development of any new institutional facilities associated with Chedoke-McMaster Hospitals shall be designed to mitigate any negative impact on adjacent residential development."

Policy A.6.1.2 pertains to new major institutional uses, and does not preclude the adaptive re-use of the subject lands. In this regard, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are in the Westcliffe West Neighbourhood. There is no approved plan for this Neighbourhood.

COMMENTS RECEIVED:

- The Department of Public Works and Traffic and the Hamilton Region Conservation Authority have no comments or objections.
- The Community Planning and Development Division (Development Engineering Section) advises:

"...there are public watermains and separate storm and sanitary sewers available to service the subject lands. There is an existing 300mm Regional watermain within a 6.1 m wide easement over the lands. The easement and watermain extend from the west limit of Leslie Avenue to the intersection of Scenic Drive and Sanatorium Road. No permanent structures will be allowed to be constructed within the Region's easement.

According to our records the existing road allowance width of Scenic Drive and Sanatorium Road is 20.12m. Under Tiffany Plan of Subdivision we requested a road widening on the eastside of Sanatorium Road and a daylight triangle at the intersection of Scenic Drive and Sanatorium Road. We understand that these lands will be developed through site plan control and we will require as a condition of site plan approval that these matters be completed, if not done so already.

Further comments on the driveway accesses, motorists sight lines, grading, etc. will be submitted at such time as site plan application is submitted for this property."

- The Community Planning and Development Division (Building Department) has advised that:
 1. Confining the use to the "existing building" will limit any expansion on site permitted by S-1363 section 4(b)...
 3. The proposed use is best described as a "student residence" as defined in 2.(2)A.(xiab), but its reference to the National Housing Act is not relevant.
 4. Parking space requirements cannot be established from Section 18A, Table 1, as the proposed use is neither a Student Residence of Class A dwelling units, nor it is a building of housekeeping units, nor a hostel (18A.Table 1, (h), (l) and (j) respectively). However, "AA" District parking requirements are for "parking spaces to such a number as is reasonably necessary" [Section 8.(1)(xvi)] so the by-law might define the existing +/- 230 spaces as such.
 5. Site Plan Control of this site was established by By-law 96-153.
 6. Conversion back to a residence must proceed under a building permit."

COMMENTS:

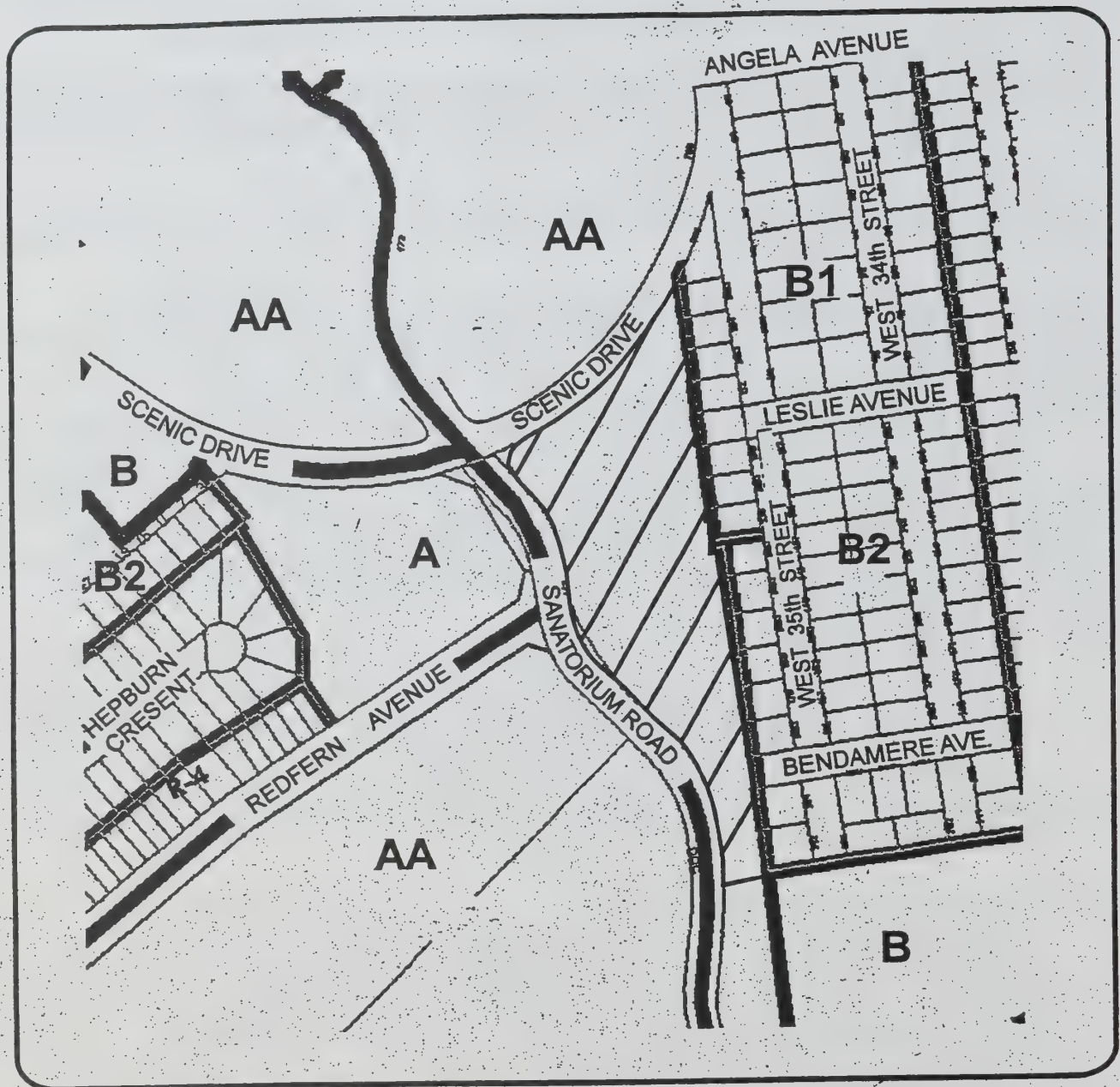
1. The proposal complies with the Official Plan.

2. The proposal has merit and can be supported on the following basis:
 - It is an adaptive re-use of the existing building. In this regard, it is the applicant's intent to convert the +/- 150 rooms to dormitory rooms, and maintain the existing central cafeteria for meals;
 - A student dormitory/ residence is no less feasible than the previous use as a nurses' residence; and,
 - It will be compatible with the remaining hospital facilities and surrounding residential uses.
3. The Building Department advises that these lands were placed under Site Plan Control by By-law No. 96-153 as part of the Mountview Neighbourhood Plan review and subsequent Official Plan Amendment No. 135 and Zoning By-law No. 96-152. On this basis, the concerns of the Roads Section relating to access, grading, parking, landscaping can be addressed. As noted previously, the applicant does not contemplate any exterior changes to the buildings or lands at the present time.
4. By-law No. 6593 defines a student residence as "a building used for the purpose of accommodating students in dwelling units or other separate quarters and erected under the National Housing Act, provided that such building may include common areas and cooking and dining facilities". Since it is the applicant's intent to use the existing building, the reference in the By-law definition to the National Housing Act does not apply. In this regard, it is appropriate to include a definition of "student residence" without reference to the National Housing Act.
5. By-law No. 6593 requires 1 parking space per Class A dwelling unit for a "student residence not located on a campus, containing separate dwelling units for each student". The by-law requires 1 parking space per 2 persons for a lodging house. It is the applicant's intent to convert the existing +/- 150 rooms to dormitory rooms, that are not considered Class A dwelling units, for a maximum of 250 students. The existing parking area adjacent to the building presently accommodates approximately 230 parking spaces whereas, the By-law would require approximately 125 to 150 parking spaces depending on classification of use.

In this regard, although there are approximately 230 parking spaces, the applicant's agent cannot confirm whether these spaces comply to by-law requirements with respect to minimum length and minimum width. Further, the applicant's agent has advised that a minimum requirement of 200 spaces would be acceptable. Therefore, it is appropriate to include a variance to require 200 of the existing spaces to be provided and maintained.

CONCLUSION:

Based on the foregoing, the application can be supported.



City of Hamilton

Site of the Application

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Site of Application

Further modification to the "AA" (Agricultural District.)

Reference file:
ZAC-00-17

Scale
Not to Scale

Date
May, 2000

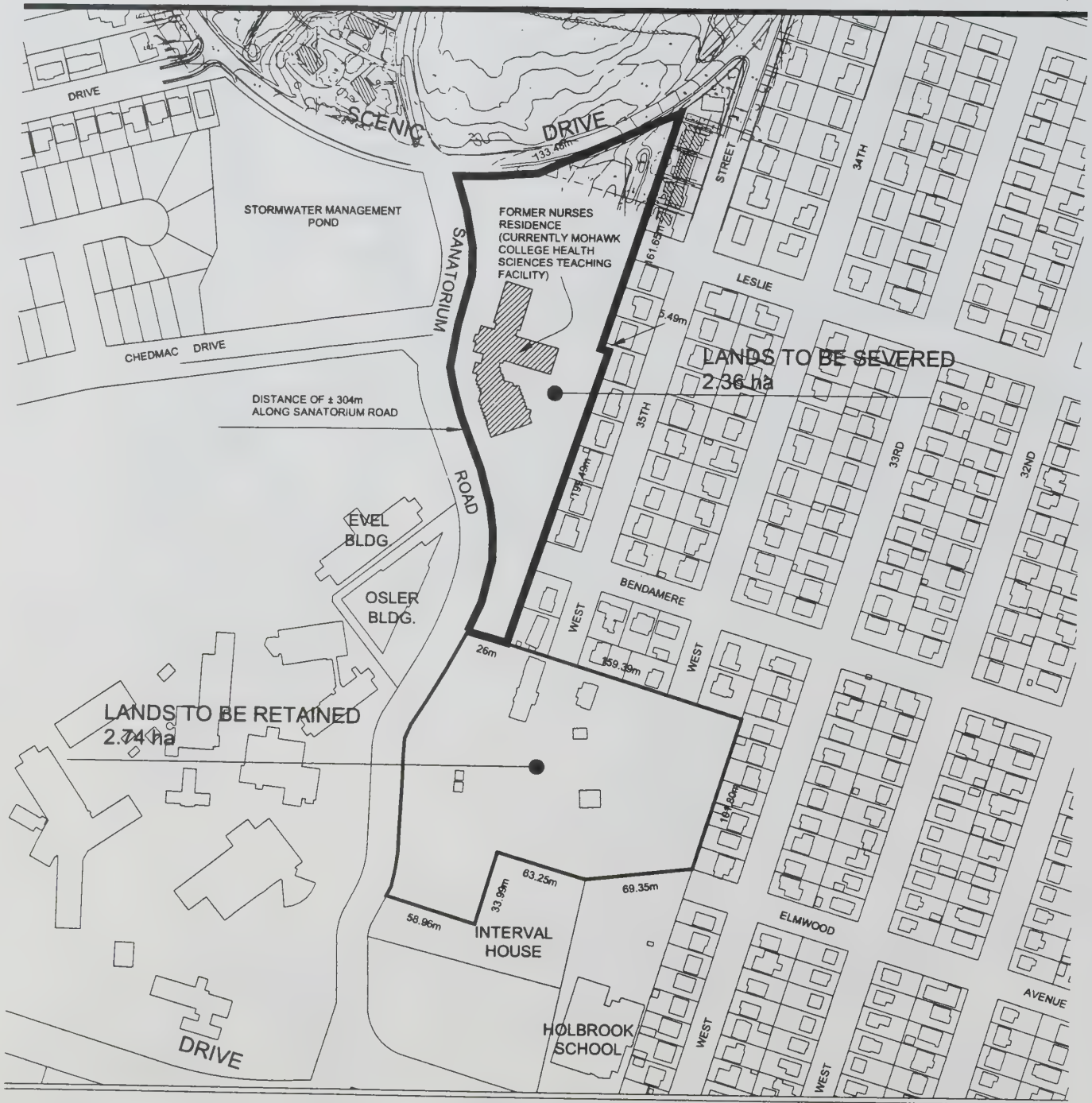
Technician:
JS

APPENDIX 'A'



SCALE 1:1000

SKETCH PLAN OF EXISTING PARKING LOT
PROPOSED COLUMBIA COLLEGE RESIDENCE



MAP 1
PROPOSED COLUMBIA COLLEGE RESIDENCE



LANDS SUBJECT TO ZONING BY-LAW AMENDMENT APPLICATION



BUILDING SUBJECT TO PROPOSED CONVERSION



SCALE 1:4000

C-8
(a.)

MINUTES

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday June 21, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton



Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Mayor R. Morrow, Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Also Present: Alderman A. Horwath, Alderman D. O'Sullivan, L. Coveyduck, P. Mallard, P. Mason, B. Janssen, G. Paparella, J. Hickey-Evans, T. Redmond, E. Switinky, N. Smith, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE FOLLOWING ITEM WERE RECOMMENDED TO COUNCIL:

1. **ZAC-99-36 and SAC-99-04 "Scenic Park South", and Official Plan Amendment for lands located south of Chedmac Drive and east of Magnolia Drive (PDC00116) (Item 2.1)**
 - A. That approval be given to Official Plan Amendment No. 166, for lands located south of Chedmac Drive and east of Magnolia Drive for the following changes:
 - (a) A change in designation on Schedule "A" – General Land Use Concept of the City of Hamilton Official Plan to revise the boundary between the Residential and Open Space designations to reflect the proposed reconfiguration of the park and residential uses; and,
 - (b) A change in designations on Schedule J-1 "Chedmac Planning Area Secondary Plan" for changes to the density mix, road pattern and land use boundaries for the Major Institutional, Residential and Open Space designations in accordance with the proposed plan of

subdivision "Scenic Park South".

- B. That approval be given to Subdivision Application 99-04, (Regional File No. 25T-99009), Starward Homes Ltd., prospective owner to establish a draft plan of subdivision "Scenic Park South", on lands located south of Chedmac Drive and east of Magnolia Drive in the Mountview Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (a) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated April 25, 2000, showing 117 single-detached dwellings, 40 street townhouse units, 156 block townhouse units, 1 block for a public walkway and to establish 4 streets, attached as Appendix "B";
 - (b) That the applicant/owner prepare and submit, to the satisfaction of the Director, Land Development Department, Community Planning and Development Division, a municipal street numbering plan;
 - (c) That the streets be named based on the City of Hamilton reserved street name index to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;
 - (d) That the applicant/owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;
 - (e) That the final plan conform with the Zoning By-law approved under the Planning Act;
 - (f) That the applicant/owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;
 - (g) That the applicant/owner dedicate Block 122 to the City of Hamilton for parkland as provided for under Section 51 of the Planning Act;
 - (h) That the applicant/owner dedicate Block 121 as a public walkway to the City of Hamilton and that the applicant/owner provide for landscaping within the public walkway to the satisfaction of the Co-ordinator, Park Development and Maintenance Section, Department of Public Works and Traffic;

- (i) That Block 118 not be developed until such time as the lands have been assembled to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (j) That the applicant/owner carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

- (k) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (l) That the applicant/owner submit a Servicing Study to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (m) That reconstruction and realignment of Chedmac Drive as noted in the approved Mountview Neighbourhood plan and the realignment of Chedmac Drive be implemented upon the direction of the Land Development Director;
- (n) That the Final Plan not be registered until the applicant/owner satisfies all the conditions of approval of City of Hamilton Land Severance Application B-99:82. These conditions of approval cover all roadway and land dedications for street widenings, servicing costs, etc.;
- (o) That the applicant/owner pay all outstanding land and servicing costs, etc. to the City of Hamilton and the Region of Hamilton-Wentworth. This is required in order that the City of Hamilton can pass the appropriate By-law to incorporate the .30m reserve, shown as part of Block "C" on Plan No. M-84, adjacent to Magnolia Drive, into the public highway;
- (p) That the 0.30m reserve previously incorporated into the Magnolia

Drive road allowance and shown on the submitted plan, be revised to the satisfaction of the General Manager, Transportation, Operation and Environment Division;

- (q) That the driveway locations on Lots 18 to 24 inclusive, Lots 32, 33, 42 to 44 inclusive, Lots 45 to 51 inclusive, Lots 104 to 108 inclusive and Lots 115 to 117 inclusive be to the satisfaction of the General Manager, Transportation, Operations and Environment Division and be shown on the approved engineering drawings;
- (r) That the radius of the street line out of the cul-de-sac bulb adjacent to Lot 99 must be a minimum of 9m;
- (s) That the beginning of curve and end of curve of the horizontal curves on the west leg of Street "A", the tangent between the reverse curves and the tangent to the east-west leg of Street "A" must be to the satisfaction of the General Manager of the Transportation, Operation and Environment Division and must be shown on the plan;
- (t) That the phasing of development be to the satisfaction of the Director, Land Development Department, Community Planning and Development Division;
- (u) That the radius of Street "A" adjacent to Lots 115 to 117 and at the east limit of Street "A", adjacent to Block 120 must be shown on the plan;
- (v) That the limits of Street "A" (east leg), immediately south of Chedmac Drive and included in the Extendicare Severance be amended due to the change in alignment of Street "A" on this draft plan submission;
- (w) That the limits of Street "A" in the "Extendicare Block" align centreline to centreline with the limits of Street "A" on this draft plan;
- (x) That all lots with daylight triangles must maintain a minimum frontage of 4.5m outside of the daylight for driveway purposes. Driveways are not permitted to cross the daylight triangles;
- (y) That the subdivision plan not be registered until the Mountview Neighbourhood Plan has been revised to reflect the revised road pattern and land use designations; and,

- (z) That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City/Region prior to development of any portion of these lands.
- C. That funding for the acquisition of land required for park purposes in accordance with the approved Mountview Neighbourhood Plan, as revised to reflect the proposed plan of subdivision "Scenic Park South", for the amount of land that exceeds the 5% land dedication requirement, being approximately 7,580 m² (1.87 ac) of land, in accordance with Section 51 of the Planning Act and the City of Hamilton Official Plan, be forwarded for consideration in the 2001 Capital Budget.
- D. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-99-04/25T-99009), "Scenic Park South", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- E. That the Acting Municipal Clerk be directed to advise the Director, Land Development Department, Community Planning and Development Division of Council's decision.
- F. That approval be given to Zoning Application ZAC-99-36, Starward Homes Ltd., prospective owner, for a changes in zoning for lands located south of Chedmac Drive and east of Magnolia Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (a) That Block "1" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District;
 - (b) That Block "2" be rezoned from "A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District;
 - (c) That Blocks "3" and "16" be rezoned from "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District;

- (d) That Blocks "4" and "7" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- (e) That Block "5" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (f) That Block "6" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "A" (Conservation, Open Space, Park and Recreation) District;
- (g) That Block "8" and "9" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "C" (Urban Protected Residential, etc.) District;
- (h) That Blocks "10" and "11" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;
- (i) That Block "12" be rezoned from "DE-3" (Multiple Dwellings) District to "RT-30" (Street Townhouse) District;
- (j) That Block "13" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-30" (Street Townhouse) District;
- (k) That Block "14" be rezoned from "C" – 'H' (Urban Protected Residential, etc. – Holding) District to "RT-20" (Townhouse – Maisonette) District; and,
- (l) That Block "15" be rezoned from "RT-20" – 'H' (Townhouse – Maisonette – Holding) District to "RT-20" (Townhouse – Maisonette) District.
- (m) That the "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "16", as referred to in Section F(iii) be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 9.(1), Subsection 18.(4) and Subsection 18.(13) of Zoning By-law No. 6593, no building or structure, except a fence, shall be permitted;

- (n) That Subsection 2(b) of By-law No. 96-152 be deleted in its entirety;
- (o) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-43a and W-37 for presentation to City Council;
- (p) That the amending By-law applicable to Blocks 15 and 16 be added to Section 19B of Zoning By-law No. 6593 as Schedule S – 1363b, and that the subject lands on Zoning District Maps W-43a and W-37 be notated as S – 1363b;
- (q) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. 166 by the Region of Hamilton-Wentworth;
- (r) That upon finalization of the implementing zoning by-law, that the approved Mountview Neighbourhood Plan be amended to revise the road pattern as shown on the proposed plan of subdivision “Scenic Park South” (attached as Appendix “B”) and to revise the land use designations for the following blocks (as shown on APPENDIX “A”) on the following basis:

Blocks 1 & 2:	-	From “Park and Recreational” to “Single and Double” Residential;
Block 5	-	From “Single and Double” Residential to “Open Space”;
Block 6	-	From “Low Density Housing” to “Open Space”;
Blocks 8, 9, 10, 11	-	From “Low Density Housing” to “Single and Double” Residential;
Block 12	-	From “Institutional” to “Attached Housing”;
Block 13	-	From “Civic and Institutional” to “Attached Housing”; and,

Block 14

- From "Single and Double" Residential to
"Low Density Housing".

2. ZAR-00-10, 544 Limeridge Road East (PDC00108) (Item 2.2)

That approval be given to Zoning Application ZAR-00-10, M.C.G.W. Properties Corp., owner, for a modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a car wash within a portion of the existing building and a proposed addition, for lands located at No. 544 Limeridge Road East, as shown on the attached Map marked as APPENDIX "C", on the following basis:

- (a) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A. of Zoning By-law 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (i) Notwithstanding Section 14A.(1)(d) and Section 14.(1)(xviii), a mechanical and/or manual car wash shall be permitted with a maximum floor area of 882 m² and more than one bay or stall may be utilized.
 - (ii) Notwithstanding Section 14A.(3)(b) and Section 18.(3)(ivc)(a), an easterly side yard setback of at least 1.0 m shall be provided and maintained.
 - (iii) Notwithstanding Sections 14A.(3)(c) and 18.(3)(ivc)(a), a rear yard of a depth of at least 4.5 m shall be provided and maintained for a car wash kiosk with a maximum floor area of 4.7 m².
 - (iv) Sections 18.(3)(ivc)(b) and 18.(3)(ivc)(c) shall not apply.
 - (v) Notwithstanding Section 18A.(1)(d), a minimum of one loading space having minimum dimensions of 9.0 m long x 3.7 m wide x 4.5 m high shall be provided and maintained.
 - (vi) A landscaped area with a minimum width of 1.0 m shall be provided and maintained within the required minimum 1.0 m easterly side yard.
 - (vii) A landscaped area with a minimum width of 1.0 m shall be provided and maintained along the entire southerly rear lot line.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1448, and that the subject lands on Zoning District Map E-27B be notated S-1448.
- (c) That Corporate Counsel be authorized and directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-27B for presentation to City Council.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. ZAR-00-14, 81 Christie Street (PDC00114) (Item 2.3)

That approval be given to Zoning Application 00-14, Ashok & Virbala Kumar, owner, requesting a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for property located at 81 Christie Street, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the land be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E in a form satisfactory for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. ZAR-00-16, 1472 Upper Gage Avenue (PDC00104) (Item 2.4)

That approval be given to Zoning Application ZAR-00-16 – 1472 Upper Gage Avenue, John and Barbara Crockett, owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, for property located at the rear of 1472 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;

- (b) That the Director, Land Development Department, Community Planning and Development Division, be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

5. Demolition of 19 Division Street (PDC00109) (Item 4.1)

That the Acting Director of Building be authorized to issue a demolition permit for 19 Division Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

6. Demolition of 322 Lake Avenue North (PDC00110) (item 4.2)

That the Acting Director of Building be authorized to issue a demolition permit for 322 Lake Avenue North in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

7. Demolition of 120 Catharine Street South (PDC00111) (item 4.3)

- (a) That subject to the requirements below, the Acting Director of Building be authorized to deny an application for a demolition permit for the building located at 120 Catharine Street South in accordance with Demolition Control By-Law 74-290 pursuant to the demolition control provisions of the Planning Act (sec. 33); and,
- (b) That the Acting Director of Building be authorized to issue a demolition permit for the building located at 120 Catharine Street South where the applicant has applied for and received the required zoning amendment and the required site plan approval from the Community Planning and Development Division and the site plan agreement has been registered on title.

8. Demolition of 928 Burlington Street East (PDC00112) (Item 4.4)

That the Acting Director of Building be authorized to issue a demolition permit for 928 Burlington Street East in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

9. Amended Condition of Approval for Rental Housing Protection Act, Application CD-97-006 for 23-25 Macauley Street West (PD00001A) (Item 4.5)

(a) That, notwithstanding Section 1.(a)(iv)(2), of the Second Report for 1998 of the Planning and Development Committee, the conditional approval given by City Council on January 27, 1998 of Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "F", shall not have ceased on January 27, 2000; and,

(b) That Section 1. of the Second Report for 1998 of the Planning and Development Committee, respecting Rental Housing Protection Act Application CD-97-006 for 23-25 Macauley Street West, as shown on the attached map marked as APPENDIX "F", approved by City Council on January 27, 1998, be amended by deleting clause 1.(a)(iv)(2) in its entirety and replacing it with the following:

"1.(a)(iv)(2) by December 31, 2000, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,".

10. Core Heritage 2000 Program, 14 Hess Street South (HSB00009) (Item 4.6)

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of eleven thousand, one hundred and sixty-five dollars (\$11,165) to Hess Village Enterprises, registered owner of 14 Hess Street South, be approved.

11. Authorization to advertise externally for Candidates to fill the position of "Heritage Planner" (PDC00113) (Item 4.7)

(a) That the General Manager of the Planning and Development Division be authorized to advertise externally for qualified candidates to fill the position of Heritage Planner; and,

(b) That this matter be forwarded to the Transition Board for approval.

12. Tax Incentive Program Extension – Commercial/Industrial Heritage Buildings in the Central Area (PDC00101) (Item 5.1)

That the Tax Incentive Program for designated commercial and industrial buildings be extended to include the Central Area in accordance with the eligibility criteria and requirements contained in APPENDIX "G".

13. Waiving of fees for 73 Garfield Avenue (Item 6)

That the Building, Park Dedication and Condominium application Fees be waived for the property located at 73 Garfield Avenue.

14. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-030 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 12-14 Brantdale Avenue.
- (b) C-031 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 801 and 803 King Street West and 80, 86 and 90 Carling Street.
- (c) C-032 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located East of Glanaster Road, West of Hawkswood Trail at the Westerly Limits of Falconridge Drive and South of Rymal Road West.
- (d) C-033 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 93-1623 Respecting Lands Located at Municipal Nos. 89-91 Vine Street.
- (e) C-034 A By-law to amend Zoning By-law No. 6593 Respecting Lands Located at 81 Christie Street.
- (f) C-035 A By-law to amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1015 Main Street West.
- (g) C-036 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 1015 Main Street West.

- (h) C-037A By-law to Remove Land Within the "Wisemount Estates, Phase 10" Subdivision, Plan 62M-889 from Part Lot Control.
- (i) C-038 A By-law to Remove Land Within the "Claudette Gardens, Phase 6" Subdivision, Plan 62M-796 and "Domvir Estates, Phase 1, Subdivision, Plan 62M-861 from Part Lot Control.
- (j) C-039 A By-law to amend Zoning By-law No. 6593 As Amended by Zoning By-laws No. 88-135 and 90-145 Respecting Lands Located at Municipal Nos. 1489-1523 Upper James Street.

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE ADOPTED AND/OR NOTED:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Adoption of Minutes – May 24, 2000 (Item 3.1)**
May 30, 2000 (Item 3.2)

The Minutes of the meeting held May 24, 2000 were adopted.

The Minutes of the meeting held May 30, 2000 were adopted.

- (c) **ZAC-99-36 and SAC-99-04 "Scenic Park South", and Official Plan Amendment for lands located south of Chedmac Drive and east of Magnolia Drive (PDC00116) (Item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The proponents were present in favour of the recommendation.

Paul Mallard gave a brief overview of the report. He noted that in order to complete the park the owner will be required to provide 1.8 acres more than that required as a parkland dedication and as such it will be recommended in the Capital budget for 2001.

Neighbours concerns regarding loss of sunlight and privacy have been addressed by the owner by tailoring back the building as it approaches the property limits and as such there is no need to retain the one and a half storey height limitation.

He continued by stating that there are 3 technical amendments being proposed.

In response to a question from Mr. Jim Cakebread of 665 Bendamere Avenue, Mr. Mallard advised that there will be an entrance to the property from Magnolia Drive.

The Committee approved the report of the General Manager, Community Planning and Development Division dated June 6 as amended to incorporate the technical changes.

(d) **ZAR-00-10, 544 Limeridge Road East (PDC00108) (Item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard gave a brief overview of the application. Of 20 notices circulated 1 replied in favour and 1 opposed.

The proponents were present in support of the application.

* Alderman Copps was recorded as opposed to the main motion.

(e) **ZAR-00-14, 81 Christie Street (PDC00114) (Item 2.3)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 43 notices circulated 2 replied in favour and 6 opposed.

The proponents were present in favour of the recommendation.

(f) **ZAR-00-16, 1472 Upper Gage Avenue (PDC00104) (Item 2.4)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Paul Mallard reviewed the report for the Committee. Of 89 notices circulated 5 replied in favour and 0 opposed.

The proponents were present in favour of the recommendation.

(g) **Re-zoning for the South East Corner of Sanatorium Road and Scenic Drive ZAC-00-17 (PDC00105) (Item 2.5)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The proponents were present in favour of the recommendation.

The following submissions were received:

- (i) Mr. and Mrs. Viasticopoulos, 4 Gem Court, Hamilton, L9C 7S4
- (ii) Mr. and Mrs. Gerald Hladun, 103 West 35th Street, Hamilton
- (iii) Shirley Fawcett, Christy Rawson, Ida Smith, 69 West 35th Street, Hamilton, L9C 5K7 (including area residents petition).

Paul Mallard reviewed the report for the Committee. Of 56 notices circulated 4 replied in favour and 12 opposed.

Mr. Mallard added that the proponents have agreed to retain the existing walkway and that the recommendation is permitting the adaptive re-use of the building only. Any extension or addition would require further approval.

Danny Rawson of 148 West 35th Street was present and stated concerns regarding the parking lot, the grounds, the walkway and the severance. He was also concerned with increased traffic and noise.

Bob Donnell of 157 West 35th Street was concerned that the previous nurse's residence housed 140 students and this residence will house 250 students.

Jack Roser of 93 West 35th Street was concerned with the roads and sidewalks not being able to accommodate the added traffic.

Brenda Khes, agent on behalf of the proponent, stated that there will be no changes to the parking lot at this time.

Mr. Jim Campbell of Columbia College advised that the students are generally extremely well behaved as the school is costly and the students must maintain their grades in order to enter university. He added that there is a strict disciplinary system that allows the college to expel them from school and have their student visa revoked. He added that the College is looking to relocate on the escarpment in the future.

Alderman D'Amico stated that is the ward aldermen's intention to hold a neighbourhood meeting on this matter and that therefore the matter should be tabled.

Alderman O'Sullivan concurred.

Alderman Caplan and the Mayor advised that the College has been a good corporate citizen and an asset to the community. They hoped the College would expand in the lower city.

Following discussion the Committee resolved that the report of the General Manager, Community Planning and Development Division dated June 6, 2000 be tabled to the Committee of the Whole meeting of July 4, 2000 for a neighbourhood meeting to take place.

(h) **Residential Care Facilities, Long Term Care Facilities and Correctional Facilities (PDC00102) (item 5.2)**

Joanne Hickey Evans gave the Committee a PowerPoint presentation. She advised that the research is the first phase and the second phase will be a public participation process. She noted an error in the amount of beds referred to for the Kirkendall neighbourhood that should be 22 beds and not 122 beds.

A discussion ensued regarding facilities that are considered office use by the fact that the clients do not sleep there.

A discussion also ensued regarding the large number of legal non-conforming uses.

Following discussion the following recommendation was approved:

- a) That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be received and the staff of the Community Planning and Development Division be directed to hold information meetings with various service providers and interest groups.
 - (b) That the report titled *Residential Care Facilities, Long Term Care Facilities, and Correctional Facilities - The Past, Present and Future Planning Policies* be forwarded to the Environmental Services Committee for information.
- (i) **Site Plan Control Application DA-00-07 for the demolition of the former Eaton's store and relocation of the existing Fortino's grocery store at 75 Centennial Parkway North (Eastgate Square) (PDC00115) (Item 5.3)**

Paul Mallard gave a brief overview of the report. He advised that the area residents' concerns regarding traffic, building design, and landscaping have been addressed by the proponents. Truck access will be from Centennial Parkway. The façade will be treated with stucco, and there will be extensive landscaping.

In response to a question from Alderman Copps, Mr. Redmond advised that Fire access is required prior to the issuance of a building permit.

Following discussion the Committee approved the recommendation of the General Manager, Community Planning and Development Division dated June 5, 2000 as follows:

That approval be given to Site Plan Control Application DA-00-07, Cadillac Fairview, owner for lands located at 75 Centennial Parkway North (Eastgate Square), to permit the demolition of the former Eaton's store and construction of a new 8,135 m² (87,570 sq.ft.) Fortino's grocery store, as shown on the attached map marked as APPENDIX "H", subject to the following:

- (a) modification to plans in relation to notes and dimensions, as marked in red on the plans;

- (b) submission of a revised landscaping plan to the satisfaction of the Director, Land Development Department;
- (c) submission of a revised grading plan to the satisfaction of the Director, Land Development Department;
- (d) that the applicant enter the necessary agreements with the City of Hamilton for the roadway alterations required on Delawana Drive;
- (e) that the applicant dedicate to the City of Hamilton any lands required for road widening purposes of Delawana Drive as a result of the proposed roadway improvements to maintain the Utilities in their respective corridors, maintain the municipal sidewalks and side sloping, etc. within the road allowance;
- (f) that the applicant enter into an encroachment agreement with the City of Hamilton for the existing and proposed landscaped berms and trees within the Delawana Drive and Kenora Avenue road allowances;
- (g) that the applicant receive final approval of Committee of Adjustment Application A-00:24 from the Ontario Municipal Board for relief from the provisions of the City of Hamilton Zoning By-law No. 6593, as amended by By-law No. 71-97, or for a Zoning By-law amendment, to permit the construction of the new Fortino's grocery store and the reconfiguration of the parking, driveway and landscaped areas;
- (h) that the applicant pay all costs associated with the removal and replacement of the existing trees within the Delawana Drive road allowance that are to be removed as a result of the roadway alterations and new access driveway, to the satisfaction of Superintendent, Forestry and Project Development, Public Works and Traffic;
- (i) That the applicant close Site Plan Control Application DA-98-44, being the previously approved site plan to permit a 2,300 m² (24,000 sq.ft.) expansion of the existing Fortino's grocery store located at Eastgate Square, and,
- (j) That the Acting Clerk be directed to advise the Ontario Municipal Board as to City Council's decision with respect to Site Plan Control Application DA-00-07.

- * Alderman Copps opposed to the main motion.

(j) **DELEGATION**

Waiving of fees for 73 Garfield Avenue (Item 6)

Sergio Manchia of Planning Initiatives and Anthony DiCenzo, solicitor, were present on behalf of ICON holdings, owner of 73 Garfield Avenue in order to request waiving of fees similar to those under the Open for Business area in the downtown core.

Mr. Manchia stated that the building is an adaptive re-use to 10 Condo loft apartments.

Mr. DiCenzo added that the building requires substantial repair and renovation. The Condo units can only be sold for a price that the market will bear.

Alderman Caplan stated that the Lofts at Dundurn should be given the same consideration if this request is approved.

Lee Ann Coveyduck advised that if the intention is to expand the Open for Business Policy area, An amendment to the Community Improvement Plan will be required and this will take approximately 6 months.

Alderman Eisenberger and the Mayor suggested that this request be approved as an individual case.

Alderman Copps stated that approval of this request will be deemed as bonusing which is illegal.

Alderman Horwath stated that the expansion of the Open for Business area will deteriorate the purpose to which the area was created in the first place, being re-development in the down town core.

Alderman Haining supports the request and stated that the residents support it. He added that fees to be waived amount to \$9,000.

The Committee adjourned into closed session to seek legal advice on this matter and reconvened immediately thereafter with a report.

A motion was placed on the floor to table the matter and was defeated.

A motion to waive the fees for 73 Garfield was placed on the floor and carried on a recorded vote as follows:

Recorded Vote on the main motion:

Yeas: Mayor Morrow, Aldermen Corsini, Haining, Eisenberger, Kelly
-5

Nays: Aldermen D'Amico, Copps, Caplan
-3

Carried

(k) OTHER BUSINESS

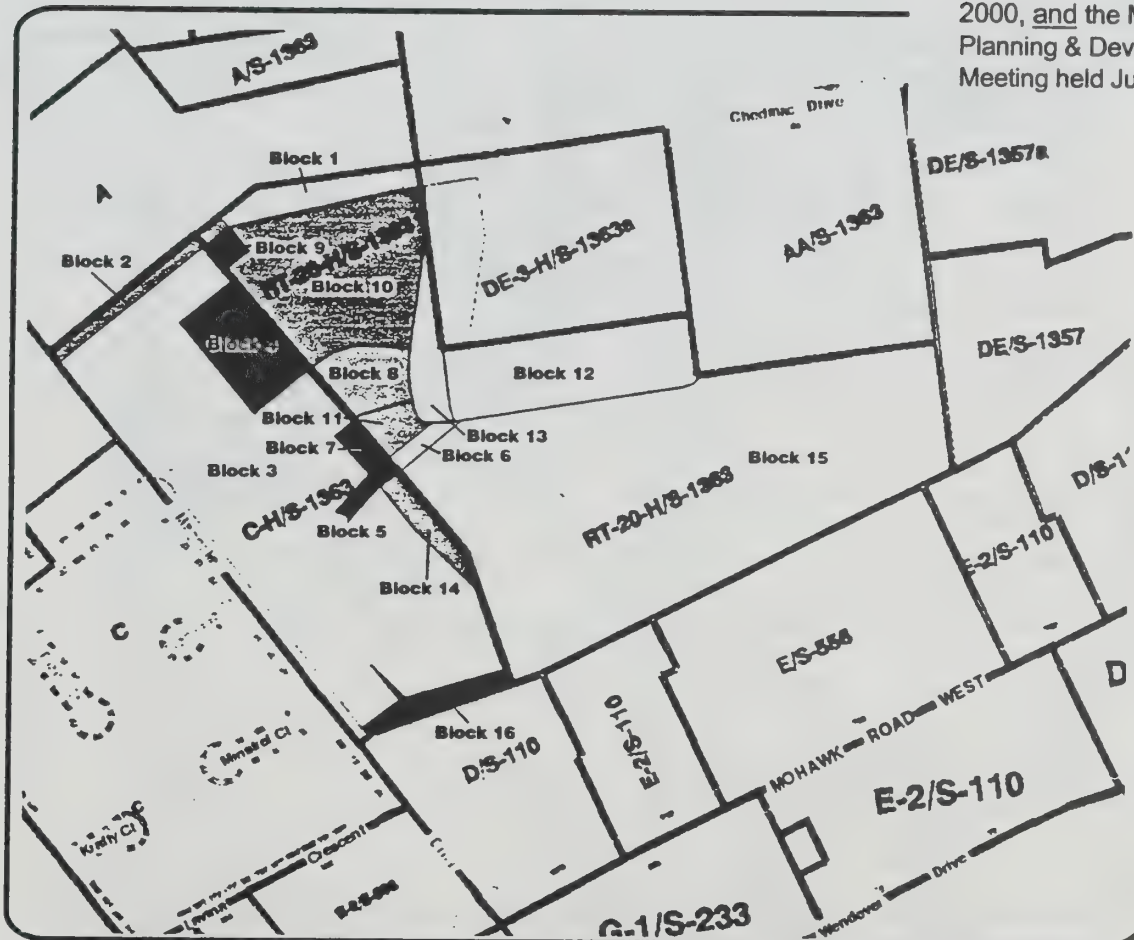
The Mayor requested that Planning Staff draft a proposed program for development of small businesses in the downtown core.

Note: The meeting of the Planning and Development Committee adjourned at 12:25 p.m.

**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
June 21, 2000**

Appendix "A" referred to in Section 1 of Report 12-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held June 21, 2000.



City of Hamilton

Site of the Application

COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Change in zoning from:	
1	"A" (Conservation, Open Space, Park and Recreation) District to "R-4" (Small Lot Single Family Dwelling) District
2	"A" (Conservation, Open Space, Park and Recreation) District to "C" (Urban Protected Residential, etc.) District
3	"C" - "H" (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District
4	"C" - "H" (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District
5	"C" - "H" (Urban Protected Residential, etc. - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District
6	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "A" (Conservation, Open Space, Park and Recreation) District
7	"C" - "H" (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single Family Dwelling) District
8	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District
9	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "C" (Urban Protected Residential, etc.) District
10	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District
11	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "R-4" (Small Lot Single Family Dwelling) District
12	"DE-3" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District
13	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "RT-30" (Street - Townhouse) District
14	"C" - "H" (Urban Protected Residential, etc. - Holding) District to "RT-20" (Townhouse - Maisonette) District
15	"RT-20" - "H" (Townhouse - Maisonette - Holding) District to "RT-20" (Townhouse - Maisonette) District
16	"C" - "H" (Urban Protected Residential, etc. - Holding) District to "C" (Urban Protected Residential, etc.) District, mod.

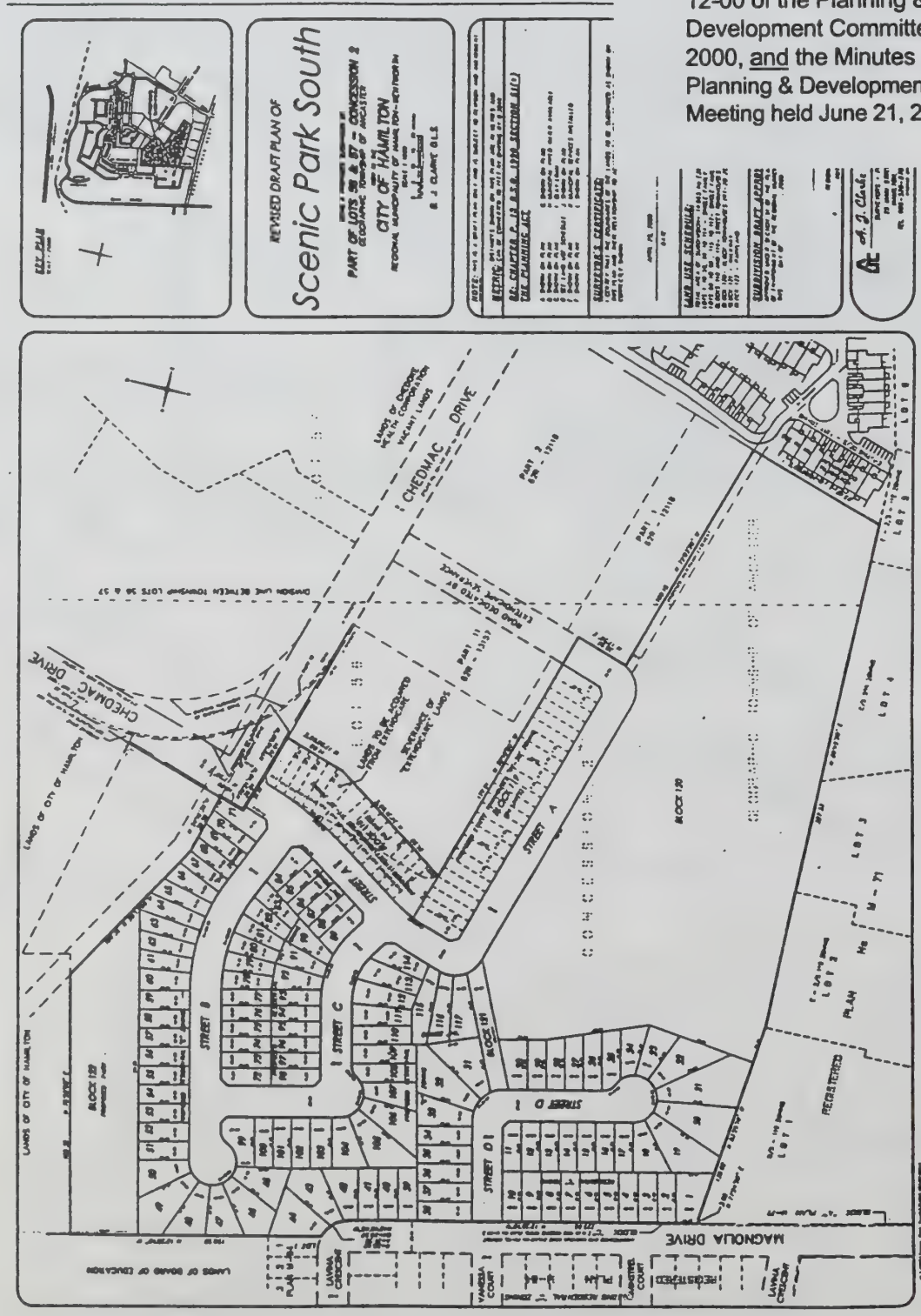
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SA-99-04/ZA-99-30

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Date:
May, 2000

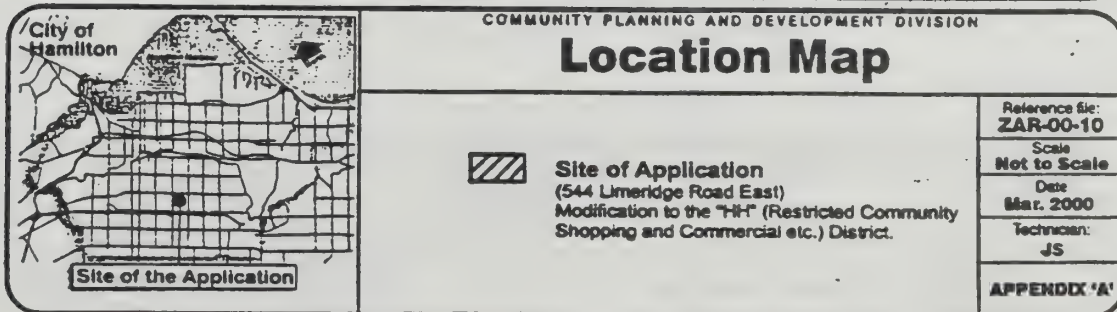
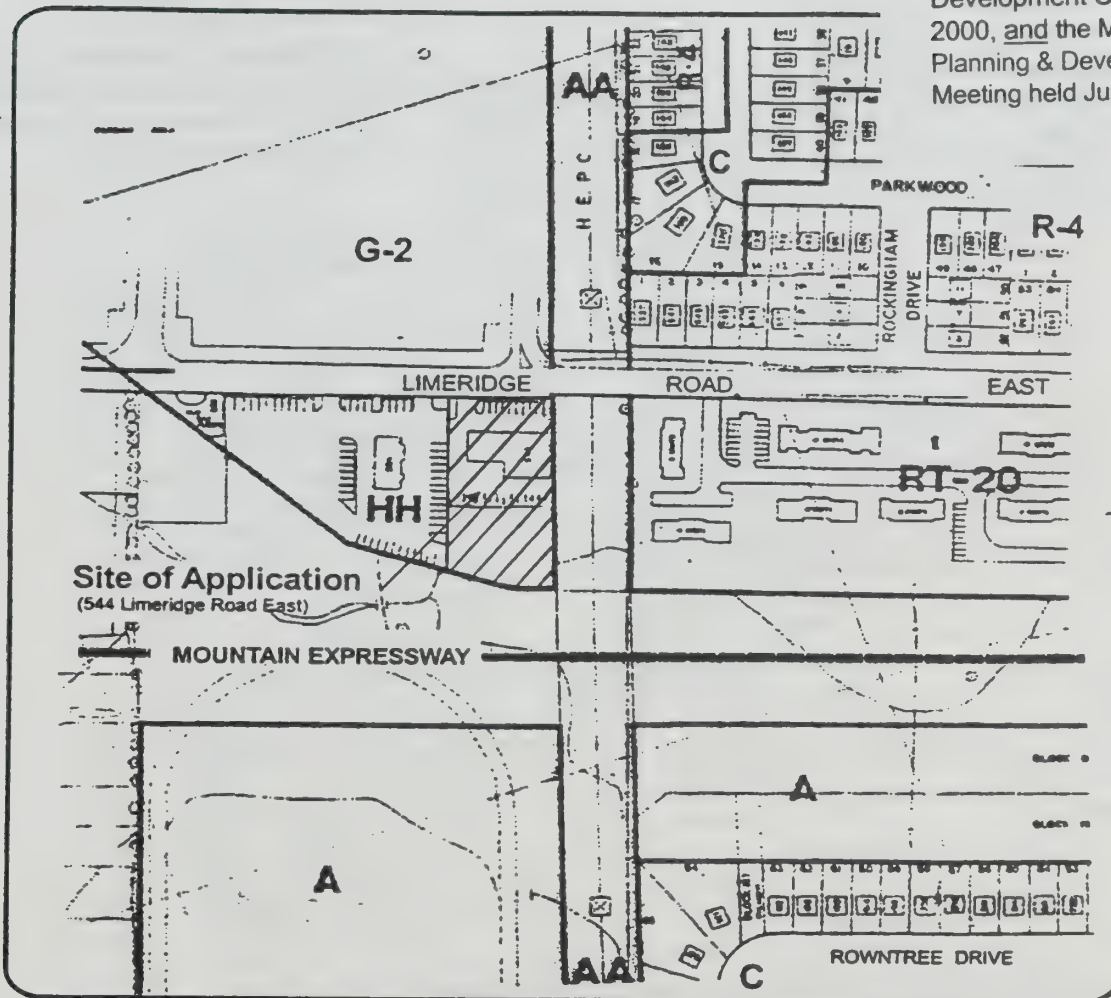
Technician:
D.J.

Appendix "B" referred to
in Section 1 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.

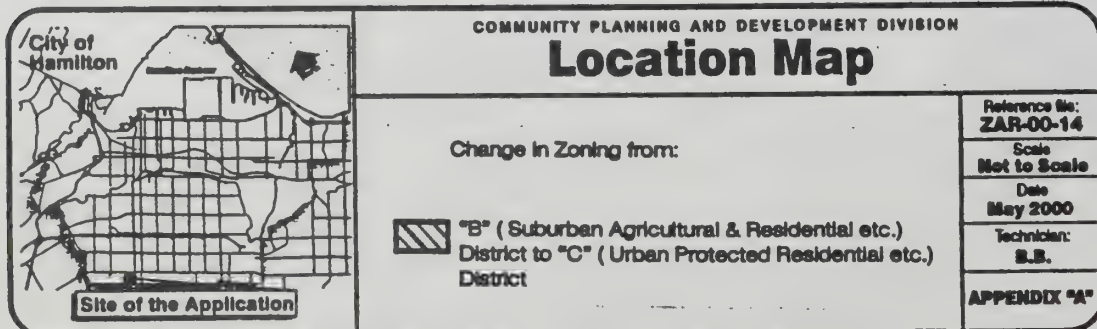
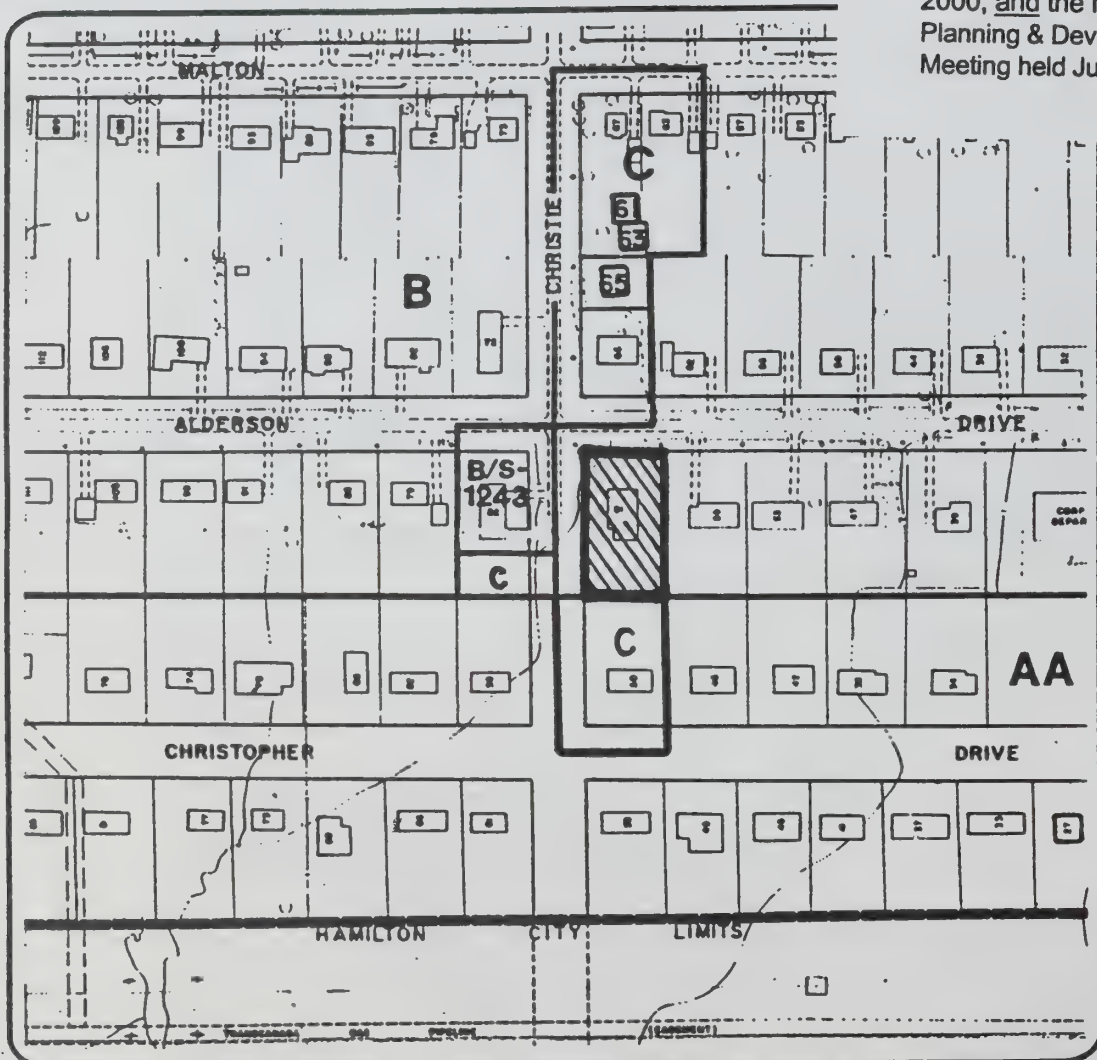


APPENDIX "B" (RED-LINE REVISIONS INCORPORATED INTO PLAN)

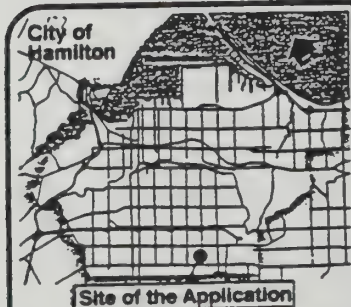
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12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



Appendix "D" referred to
in Section 3 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



Appendix "E" referred to
in Section 4 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map



Site of Application.
(1472 Upper Gage Ave.)
Change in zoning from "AA" (Agricultural)
to "R-4" (Small lot Residential etc.) District.

Reference file:
ZAR-00-16

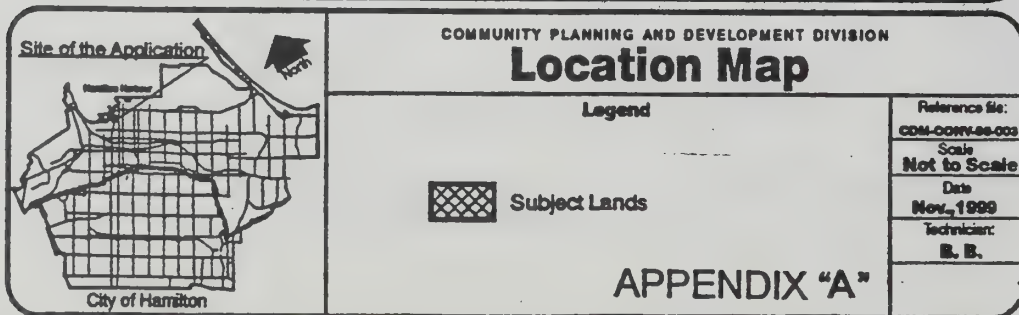
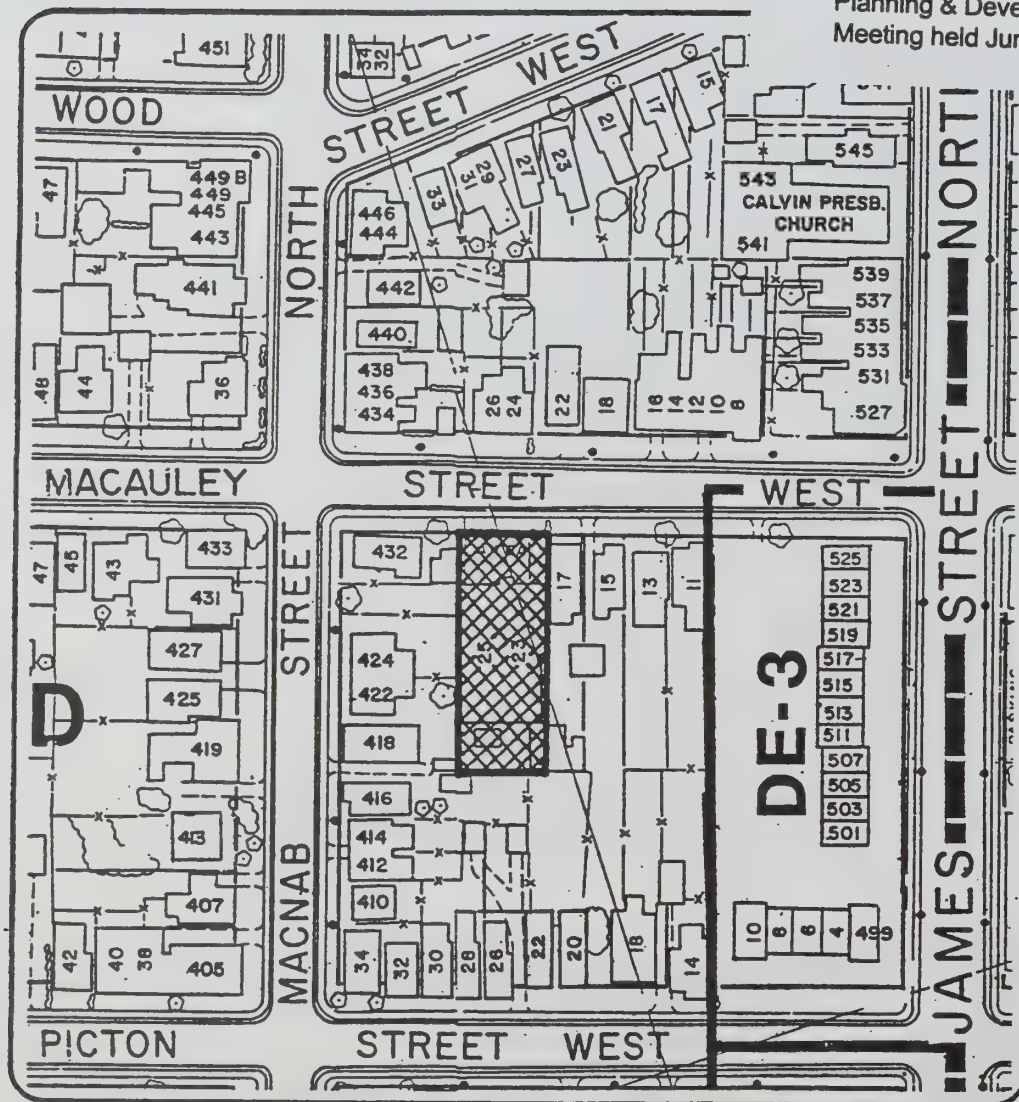
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Date
May, 2000

Technician:
JS

APPENDIX 'A'

Appendix "F" referred to
in Section 9 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



Appendix "G" referred to
in Section 12 of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.

**TAX INCENTIVE PROGRAM FOR DESIGNATED
COMMERCIAL/INDUSTRIAL BUILDINGS IN HANMILTON'S DOWNTOWN**

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial/industrial buildings located within area bounded by Queen Street, The Harbour, Victoria Avenue and the Escarpment, which are designated under the Ontario Heritage Act. The Program establishes a ten-year rebate on the increased realty taxes related to the City and the Regional portion of the increase. This increased property assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

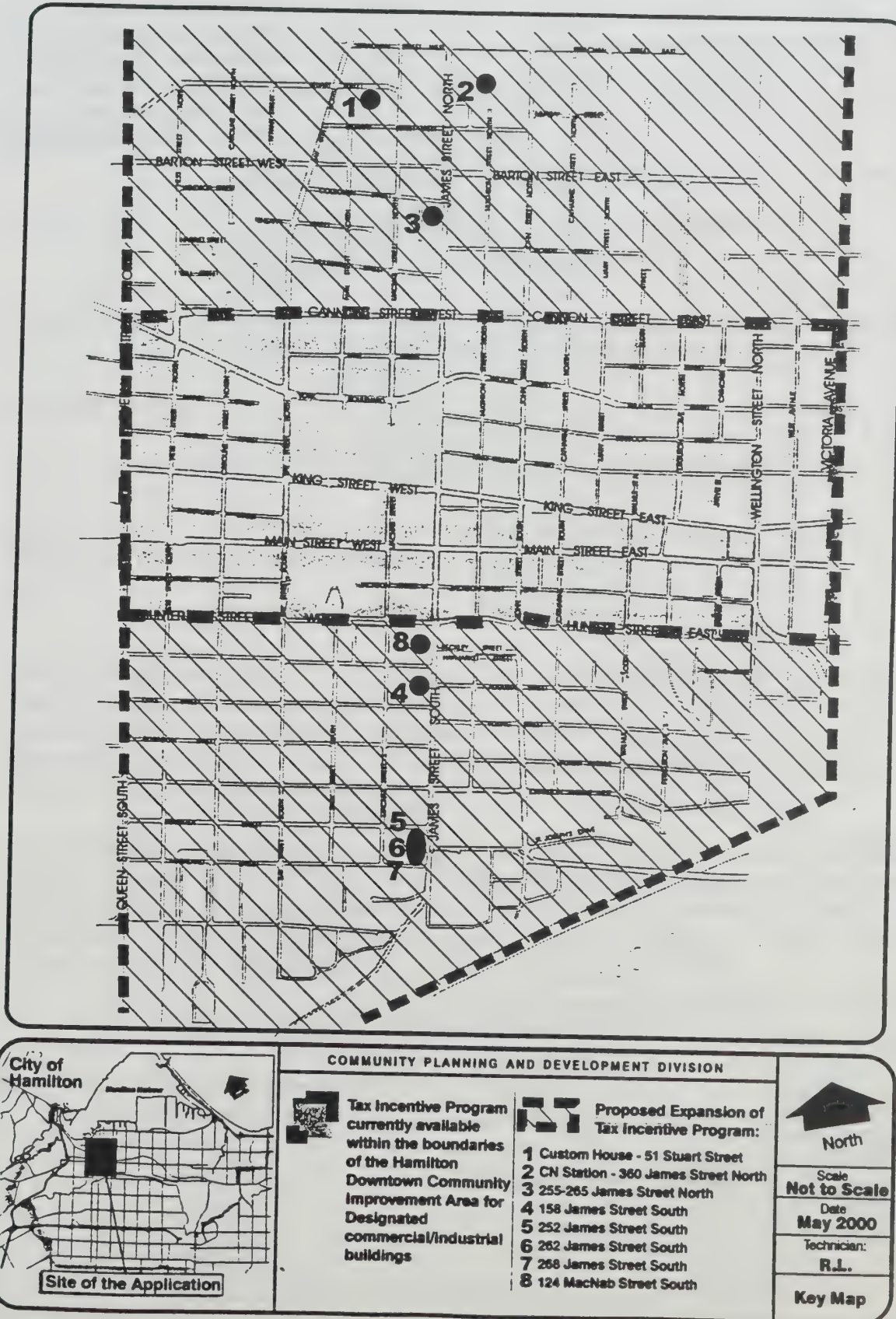
- The building must be designated under the Ontario Heritage Act, and has a present or former use as a commercial or industrial building;
- The building must be located within the boundaries of Queen Street, the Harbour, Victoria Avenue and the Escarpment;
- Application for this tax incentive will only be accepted after final approval of this program; and,
- If new construction is added to the historic building as part of the total project, the tax rebate will only apply to the original size of the designated heritage building.

Requirements:

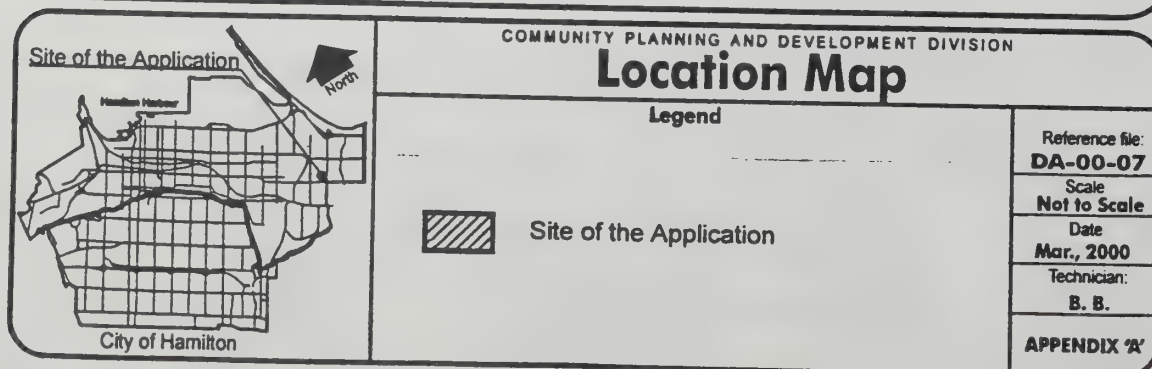
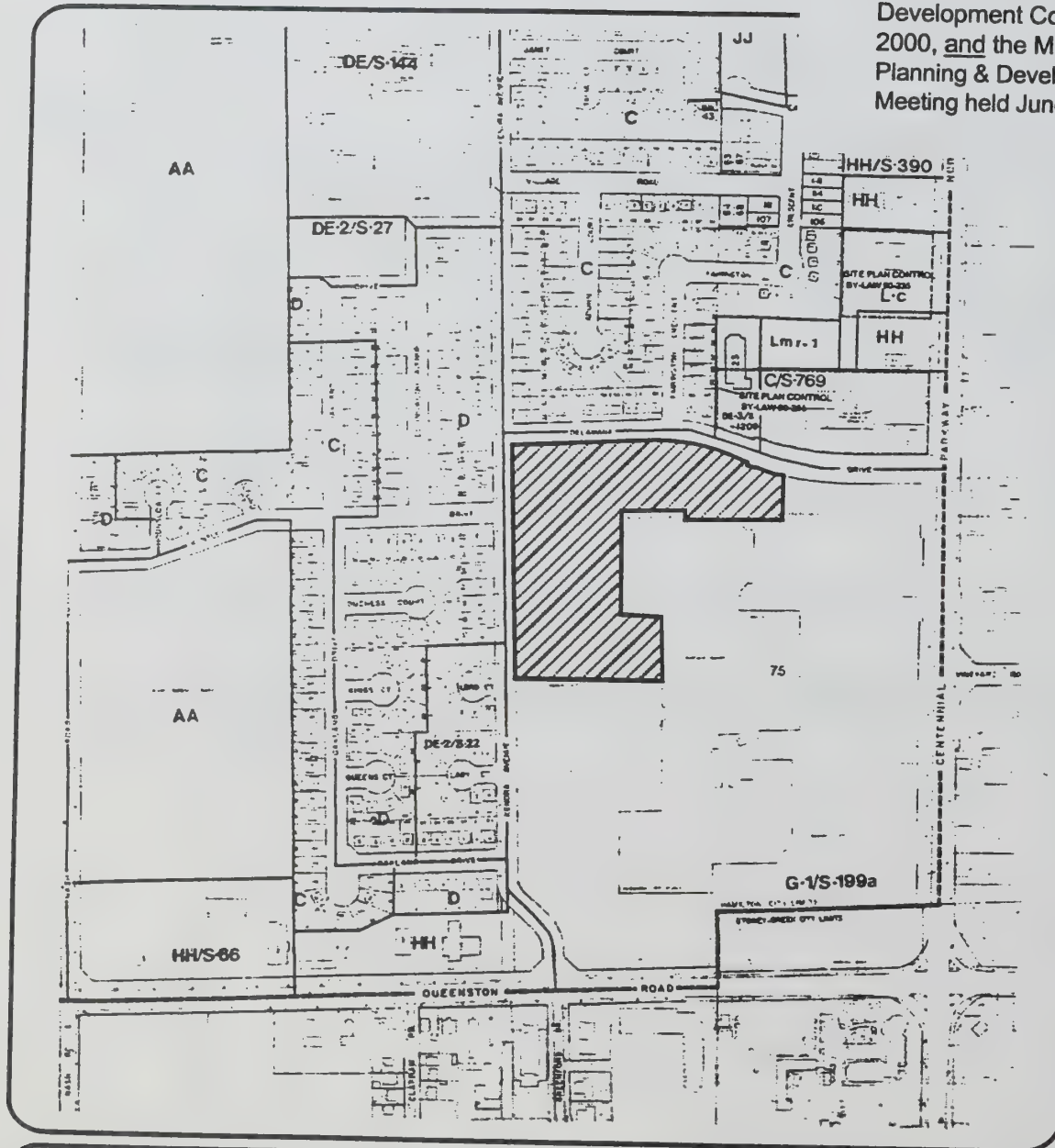
- The building would have to be renovated in such a way that would complement the Reasons for Designation, and that a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;
- The property must be insured at replacement value;
- The property shall not be in property tax arrears;
- The total amount of tax benefit is not to exceed the cost of the work done; rebates will cease when the amount equals the value of the work done; and
- The property owner may apply for the Tax Incentive Program at the time a Building Permit is applied for and will sign a Tax Incentive agreement with the City when the impact of the construction to the tax roll is available to the City.

Conditions:

- Only the City and Regional portion of the property tax increase is eligible; the percentage of the property taxes paid for education is not eligible.
- If a building is sold within this ten-year period, the tax incentive will continue with the new owner after the sale of the building.
- The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said ten-year period.
- The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the rebates, which had been determined for their properties.
- Each rebate application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.
- The property tax assessment at the time of application will be used to determine the pre-renovation tax. The amount of the property's assessment will be determined by the yearly mill rate.



Appendix "H" referred to
in Section (i) of Report
12-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held June 21, 2000.



CITY OF HAMILTON

- INFORMATION -

C-8
(b.)

DATE: June 7, 2000
Author: H. Milsome

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: C. Guthro, Acting Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Business Improvement Area (B.I.A.)
Revised Board of Management (PWT00122)

BACKGROUND:

The Transition Board's approval is not required for this report.

The Downtown Hamilton B.I.A. has recently accepted the resignation of one of its Board of Management members, namely:

N. Godwin, Nolan Law Offices

The Municipal Act, Section 220, dictates that "each member shall hold office from the time of appointment until the expiration of the term of the Council that made the appointment, if the member continues to be qualified.....". N. Godwin tendered her resignation due to the pressure of other commitments that resulted in being unable to devote the time required to the Board.

The Downtown Hamilton B.I.A.'s constitution dictates that its Board of Management will consist of a maximum of 17 members with no fewer than 7 members (not including the Ward Aldermen). The resignation of the above individual brings the remaining number of Board members to 13, not including the Ward Aldermen, therefore is not in contravention to the Downtown Hamilton B.I.A.'s constitution.

Charles Guthro

c.c. Alderman Horwath, Ward Two
Carlo Gorni, Executive Director, Downtown Hamilton B.I.A.

CITY OF HAMILTON
- RECOMMENDATION -

D-1

DATE: 2000 June 23 (1-45/99.2)

REPORT TO: Chairman and Members
City Committee of the Whole

FROM: R. C. Roszell
Corporate Counsel

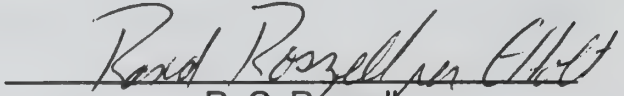
SUBJECT: Addition of First Real Properties Limited
new owner of 18 - 32 James Street South,
to City's MacNab Street truck tunnel easements.

RECOMMENDATION:

In connection with the sale of the Royal Bank office building and adjacent land, at 18-32 James Street South, it is recommended:

- (a) That the City, as owner of the MacNab Street truck tunnel that abuts the rear of and is used by the said James Street office building, grant its consent to Canadian Realty Revenue Properties Ltd., to:
 - (i) assign its easement in the City's MacNab Street truck tunnel, to the new owner of 18 - 32 James Street South, subject to the requirements in this resolution, (easement dated 1990 November 1 & registered as instrument nos. 073575 and LT297202;)
 - (ii) assign its easement in the City's underground Areaway which links the said tunnel with the property known as 18-32 James Street South; (easement dated June 13, 1972, section 3 (g); and,
- (b) That the City issue an Estoppel Certificate to the new owner of 18 - 32 James Street South property, to confirm that the MacNab Street truck tunnel easement and areaway easement are in good standing, such Certificate to be prepared in a form satisfactory to Corporate Counsel; and,
- (c) That the foregoing be subject to the following conditions:
 - (i) the new owner enters into an Assumption Agreement with the City;
 - (ii) satisfactory evidence of corporate authority for the foregoing and solicitors' opinions and such third party consents as the Corporate Counsel may advise;

- (d) That the Mayor and Municipal Clerk be authorized to execute documents to implement the foregoing in a form satisfactory to Corporate Counsel.


R. C. Roszell
Corporate Counsel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The MacNab Street truck tunnel and areaway easement agreement adjustments recommended in this Report are routine matters that serve to protect the City with the benefit of the new owner's formal assumption of the easements' obligations to the City. This City approval arises as a result of the City's role as owner of the MacNab Street truck tunnel located along the eastern limit of MacNab Street, adjacent to Royal Bank's James Street office building and abutting vacant land.

The financial terms of the truck tunnel and areaway easement agreements are not affected by the change of ownership of the James Street South property as the limits and use of the tunnel and areaway are not being changed.

This recommendation is not subject to Transition Board approval as it involves the City's administration, as owner, of existing easements' terms and no new liabilities are being assumed or new monies being expended by the City.

BACKGROUND:

In the 1970s, at the time of construction of Jackson Square by Yale Properties Ltd., the City constructed below MacNab Street, a truck tunnel serving: our Jackson Square long term lessees; Commerce Place; Robinson's Department store; the Royal Bank building and the Library/Market complex — in order to keep street level truck traffic away from this developed downtown area. The initial easements for use of this tunnel were granted by the City to the said companies, including on 1972 June 13, to Robinson's Department store, the then owner of abutting land now known as 18-24 James Street South.

In 1990, the City consented to the assignment of the said areaway easement and the easement in the MacNab Street truck tunnel to Canadian Realty Revenue Properties Ltd., the then owner of 18-32 James Street South comprised of the Royal Bank building and the adjacent parcel of vacant land (which parcel was the former Robinson Department store). The Bank building and the adjacent parcel have now been sold by Canadian Realty Revenue Properties Ltd. to First Real Properties Limited and the City is requested to consent to an assignment of the said two easements held by Canadian Realty Revenue Properties Ltd., to the said purchaser.

The City's consent is recommended above on the condition that the new owner enter into with the City an Assumption Agreement to fulfill the abutting owner's obligations in respect of its use of the truck tunnel and the adjacent areaway easement. The Areaway Easement provides an area that links the said James Street South property to the City's MacNab Street truck tunnel.

The company, First Real Properties Limited is known to the City — as it is already a long-term lessee of phase one of our Jackson Square mall, since this company, formerly named "First Phase Civic Square Ltd.", constructed the mall in 1970. This company is a subsidiary of Yale Properties Ltd. owned by Mr. Emile Mashaal & family.

As a result of the purchase of 18-32 James St S, by First Real Properties Limited, this company will be continuing its use of the MacNab St truck tunnel not only as a long term lessee of premises in Jackson Square, but also as the new owner of the said James Street South property. The resolution recommended above will authorize the required easement access arrangements for the Royal Bank office building to be assigned to First Real Properties Limited as owner of 18-32 James Street South.

The existing arrangements for the use of this truck tunnel and the adjacent areaway easement by the Royal Bank property would continue, with shared use of the tunnel facility by the owners and tenants of 1 & 21 King Street West and the City's Jackson Square's lessees — pursuant to the City's other existing Agreements with them. These easements, like all of the City's truck tunnel easements and ground leases in the Civic Square Area, have a fixed expiry date of October 31, 2069.

In March 2000, Council approved a similar request to grant its consent to an assignment of an easement agreement in the MacNab Street truck tunnel in connection with CIBC's sale of one of its Commerce Place office buildings to a new owner.

CITY OF HAMILTON

- RECOMMENDATION -

D-2.

DATE: 2000 June 29

REPORT TO: Chairman and Members
City Committee of the Whole

FROM: Ross L. Fair
General Manager
Community Services Division

SUBJECT: Request for Authority to Issue Tenders for
Purchase of two Rapid Response Units
Hamilton Fire Department (CSC00110) F & A

RECOMMENDATION:

- a) That the Fire Chief be authorized to issue tenders for the acquisition of two Rapid Response vehicles in accordance with Purchasing Policy guidelines with said vehicles to be deployed in the downtown area of the City of Hamilton as per the concepts outlined in the Fire Department Three Year Business Plan; and
- b) That a budget of \$450,000 be established for these purchases; and
- c) That the Finance and Administration Committee be requested to identify a source or sources of funding; and
- d) That these recommendations be forwarded to the Transition Board for consideration and approval.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council, at its meeting of 1999 April 27 gave authorization to the Fire Chief to purchase one Rapid Response Vehicle with a budget set at \$150,000. One tender was received at a value of \$126,620 U.S. (\$187,398 CND) plus tax, minus the cost of equipment; therefore the purchase was not made.

Reconsideration by staff of this matter was set aside pending the results of the amalgamation efforts of the Transition Board.

As part of this exercise one of the priorities of the Fire, Ambulance and Police Task Force was to undertake a comprehensive fire fleet inventory across all of the existing Fire Departments. As well, Dillon Consulting was retained to undertake an analysis of fleet requirements and on June 8, 2000 it recommended to the Task Force that the purchase of two Rapid Response vehicles was advisable to serve the high volume of fire calls in the downtown core of the City.

There are no other vehicles of this type in the consolidated fleet and the case has already been made relative to the cost of purchasing a rapid response vehicle versus a fully equipped fire vehicle.

This further change to the Fire fleet replacement strategy will result in further downstream savings of \$250,000. As a result, the predicted pay back period in the Plan is not affected.

The Finance and Administration Committee is being asked to identify a source or sources of funding for these acquisitions.

BACKGROUND:

Council passed the Hamilton Fire Department Business Three-Year Business Plan in June, 1999. The Plan was updated and approved by Council at its meeting of 1999, December 14.

In order to facilitate the service demands on Fire in the high volume call areas in the downtown core of the City of Hamilton, Dillon Consulting in the 2000 June 6 update recommends the utilization of (2) Two Rapid Response vehicles and not the single vehicle that was envisioned in the Business Plan.

Employing Rapid Response units in the City core reduces the workload of the major fire companies and preserves their availability to respond to other emergencies in Wards 1, 2, and 3. This change will result in an improvement in service delivery in the City of Hamilton.

/GP

c.c. A.C. Ross, General Manager, Finance Division
Chief Glen Peace
C. Rendell, Intermediate Buyer

CITY OF HAMILTON
- RECOMMENDATION -

D-3

DATE: 2000, June 28

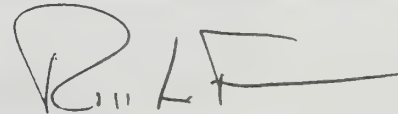
REPORT TO: Chairman and Members
City Committee of the Whole

FROM: Ross L. Fair
General Manager
Community Services Division

SUBJECT: Sale of Fire Grumman Aerial Truck (CSC00109) F & A

RECOMMENDATION:

- a) That, in accordance with the Hamilton Fire Department Business Plan, and as a result of the tender process conducted in accordance with City Purchasing Policy, that the bid of \$250,000 exclusive of taxes for Aerial Truck No. 4, 1990 Grumman Aerial truck, with an in service date of 1992, from the City of Peterborough be accepted; and
- b) That the proceeds from the sale of the vehicle be applied to COHAM47606-480051002 Fire Vehicle Apparatus Replacement; and
- c) That the recommendations contained in this report be forwarded to the Transition Board for approval.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The sale of Aerial Truck No. 4 was included and approved in the 1999 August 11 recommendation to Finance and Administration Committee as a funding source for the purchase of a second Quint and charged to Dept ID 480051002.

All purchasing policies and procedures have been followed and that the Purchasing Section of the Finance Division endorses this recommendation.

BACKGROUND:

The sale of the vehicle was advertised in the newspaper with one company submitting a bid.

GP/lc

c.c. A.C. Ross, General Manager, Finance Division
Chief Glen Peace, Hamilton Fire Department
C. Rendell, Intermediate Buyer

CITY OF HAMILTON
- RECOMMENDATION -

D-4

DATE: June 28, 2000

REPORT TO: Chairman and Members
City Committee of the Whole

FROM: Ross L. Fair
General Manager
Community Services Division

SUBJECT: Amalgamation of Fire Services (CSC00114)

RECOMMENDATION:

- a) That Hamilton City Council support the June 5th, 2000 resolution of the Town of Dundas and June 29th 2000 resolution of the Town of Ancaster:

"That the Transition Board be requested to initiate Region wide discussions to amalgamate the area Municipal Fire Departments into a single department, rather than wait until January 1, 2001."; and

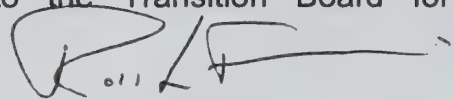
- b) That Council support the June 29th 2000 recommendation of the Town of Ancaster:

"That Council request that the City of Hamilton allow Chief Glen Peace to be designated Chief of the Ancaster Department."; and

- c) That Chief Peace be remunerated by the City of Hamilton on an hourly rate basis for this additional duty which shall be over and above his current duties; and
- d) That the Hamilton Fire Department be authorized to provide additional services to the Town of Ancaster from the Administration, Mechanical, and Operations Divisions on an "as required" basis, beyond the terms of the Mutual Aid Agreement; and
- e) That an appropriate agreement between the Town of Ancaster and the City of Hamilton be drafted to the satisfaction of Corporate Counsel and include the following conditions:

- There will be no reduction of service in the City of Hamilton
- The City of Hamilton will be fully reimbursed for all services rendered by the Town of Ancaster via monthly invoices; and

- f) That these recommendations be forwarded to the Transition Board for consideration and approval.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City of Hamilton will be fully reimbursed by the Town of Ancaster for services rendered by the City. This support will be outside the parameters of the existing mutual aid agreement. Some examples, would be support for emergency vehicle repair and a commitment that a senior officer of Hamilton Fire Department will respond and assume command of structural fires in Ancaster.

From a service perspective, there will be no impact on the leadership or effectiveness of the Hamilton Department. We anticipate that the Chief will be required to spend the equivalent of one day a week providing leadership to the Ancaster Department.

This assignment will be over and above his commitment to the City and he will be reimbursed accordingly via invoice to the Town of Ancaster.

The Chief has indicated to me that he is willing to perform these extra duties **in the short term only**.

From a legal perspective, the Provincial Fire Protection and Prevention Act contains a provision that permits one Chief to serve more than one jurisdiction where practical.

Support of this recommendation would ensure the delivery of emergency service for the Town of Ancaster while not requiring the Town to post and fill for a new Fire Chief for the short time remaining in fiscal 2000.

The first recommendation will provide the Transition Board with direction to proceed with the amalgamation of Fire at an early date.

There are no long term staff implications due to this temporary agreement.

BACKGROUND:

As a result of pending vacancies within the Chief's positions in several area Municipalities, including Dundas and Ancaster, recommendations have come forward requesting the process to amalgamate the Fire Service begin prior to January 1, 2001.

Staff supports this position to ensure a seamless transition into the new Hamilton Fire Department without any loss of service to the citizens of our Community.

The current Fire Chief in the Town of Ancaster has resigned and will leave the Town by July 10, 2000. By law, they are required to have a Chief Fire Official. They do not have a qualified internal candidate and have not proceeded to post and fill because of the impending municipal amalgamation.

Chief Peace was invited to meet with Ancaster officials on June 27th 2000 to explore this temporary assignment. He indicated at that meeting that he would be prepared to assume these additional management responsibilities of the Chief's office on a cost

recovery basis with no reduction in hours worked or service provided to the City of Hamilton, subject to approval from Hamilton City Council.

The Chief felt it was inappropriate to reduce the level of service provided to the City of Hamilton in order to provide this service to Ancaster. In the alternative, he has consented to extend his work week in order to fill this short term need.

DISCUSSION:

To support this recommendation, the following are quoted from the reports to the respective Councils of Dundas and Ancaster.

"You may be aware that the Fire Chief of the Town of Dundas will be absent from work due to illness for the next several weeks. Town Council discussed a number of options with respect to filling the vacancy. During the course of discussions, it was suggested that as the merger of all Area Municipal Fire Departments is inevitable, it may be worthwhile to initiate the amalgamation process of Fire Departments now rather than waiting until January 1st, 2001."

"Chief Mehlenbacher has resigned effective July 10, 2000, to accept the Deputy Chief's position in Burlington."

It is not practical to go through a full competition to appoint a new Chief for Ancaster due to the imminent creation of the new City. Appointing a chief or acting chief from amongst the current firefighters would create a shortfall in fire fighting manpower. Also, since full integration of fire departments in the new City of Hamilton is so close it would be advantageous to accelerate the process."

Appointing the Hamilton Chief as Ancaster Chief means there will be no gap in leadership when Chief Mehlenbacher leaves, avoids disruption in the department services, and the time and cost of selecting an interim chief for the balance of the year."

RLF/GP/so

Cc: J. Bruzzese, Acting City Manager, City of Hamilton
D. A. Lychak, City Manager, New City of Hamilton

CITY OF HAMILTON
- RECOMMENDATION -

D-5

DATE: 2000 June 14

REPORT TO: Chairman and Members
Committee of the Whole (FA/FAS)

FROM: Allan C. Ross
General Manager of Finance

SUBJECT: Funding Source for Traffic Signal Installation at the intersection of James Street North and Picton Street, in the City of Hamilton (FIN00077).

RECOMMENDATION:

- a) That, subject to the approval of report TOE00010, that the cost of installation of a Traffic Signal at James Street North at Picton Street be funded from within the approved 2000 Capital Budget Project – Traffic Signal Modernization (Approved amount = \$66,000), and if the additional project cannot be absorbed from within the approved overall Corporate Capital budget, then lastly will come from the Capital Projects - General Reserve (COHAM 100015); and
- b) As per the Regulation made under the City of Hamilton Act, 1999, the project be referred to the Transition Board for consideration since it was not included in the initial approved 2000 budget for capital projects.


Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Total estimated cost for installation of a Pedestrian Priority Traffic Signal is \$35,000. There are sufficient funds within the identified account to cover this one time expenditure. The balance as at May 31, 2000 in the Capital projects – General Reserve is \$1,093,460.

BACKGROUND:

Report TOE00010 to Committee of the Whole recommended the installation of a Traffic Signal at James Street North at Picton Street. The 2000 City of Hamilton budget, for new traffic signals has been entirely committed to other works. Committee of the Whole has been requested to identify a funding source for this expenditure.

Transition Board Approval is required for the recommendations contained in this report.

c.c. A.F. Leitch, General Manager, Transportation, Operations and Environment

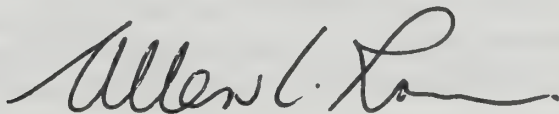
D-6

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 20 June 2000
REPORT TO: Chairman and Members
Finance and Administration Committee
FROM: Allan C. Ross
General Manager, Finance
SUBJECT: Authorization to enter into Extension Agreements on specific properties
for the payment of realty tax arrears (FIN 00080)

RECOMMENDATION:

- (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owners as outlined in Schedule "A" to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994;
- (b) That the attached by-law to authorize the said Extension Agreements be enacted by Council.
- (c) That the Mayor and Municipal Clerk be authorized to execute the aforesaid by-law and extension agreements.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The execution of the by-law and agreements, where required, will defer the City's right to sell the lands for tax arrears for a maximum period of 24 months; however, the City will be in receipt of regular monthly payments towards current and prior years arrears over the term of the agreements.

This recommendation is not subject to Transition Board approval.

BACKGROUND:

Section 8 of the Municipal Tax Sales Act provides that the municipality, by a by-law passed after the registration of the tax arrears certificate and before the expiry of the one-year period for redemption, may authorize an extension agreement with the owner of the land extending the period in which the cancellation price is to be paid. On June 28, 1994, in accordance with this legislation, Council approved a policy authorizing the City to enter into extension agreements with taxpayers providing certain conditions were met.

The owner of a property which has been registered for tax arrears may request the City to consider an extension agreement at any time up to and including the final day on which the redemption period expires. Administratively, there may not be sufficient time to obtain the necessary Council approval of the by-law prior to this deadline. Accordingly, staff are requesting advance authorization for the City to enter into extension agreements, if necessary, with the owners of the above specific properties providing they meet the conditions outlined in the policy adopted by Council on June 28, 1994.

In certain instances when all of the conditions in the extension agreement policy are not met the General Manager, Finance should be allowed the latitude to recommend an extension agreement be entered into if it is deemed to be in the best financial interest of the municipality. Under these circumstances a separate report would be provided to the Committee for deliberation and approval.

During the initial months of this repayment option it has been ascertained that operational time constraints, e.g. writing of reports, council approvals, make it necessary to have the authorization to enter into these extension agreements pre-approved. Accordingly, in the month that the legislated final notices for the tax registration process are mailed out (280 days from the registration date), a listing of all those properties for which the owners may wish to enter into an extension agreement will be forwarded to Committee and Council for approval. Owners who show an interest in entering into an extension agreement with the City prior to the mailing of the final notices, will be added to the monthly reports required.

/WDD

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.
- (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 4th day of July 2000, A.D.,

MUNICIPAL CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

57 FAIRHOLT RD. S
03 0261 5400
DECEMBER 22, 2000

D-9
(a.)

MINUTES

**CITY OF HAMILTON
FINANCE AND ADMINISTRATION
COMMITTEE
REGION OF HAMILTON-WENTWORTH
FINANCE AND ADMINISTRATIVE
SERVICES COMMITTEE**



**Tuesday, June 6, 2000
9:30 a.m.**

**Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton**

- Present:** **City Finance and Administration Committee**
Alderman D. Wilson (Chairman), Alderman D. O'Sullivan (Vice-Chairman), Mayor R. Morrow, Aldermen A. Horwath, D. Haining, C. Collins, B. Charters, B. Kelly
- Regrets:** Alderman M. Caplan - Regional business
- Present:** **Region Finance and Administrative Services Committee**
Councillor B. Charters (Chairman), Councillor G. Etherington (Vice-Chairman), Councillors D. O'Sullivan, B. Kelly, M. Kiss, A. Bain, D. Wilson, A. Sloat
- Regrets:** Councillor F. D'Amico - Regional business
Councillor R. Powers - illness
Councillor M. Caplan - Regional business
- Also present:** Councillors R. Corsini, F. Eisenberger
J. Bruzzese, A. Ross, L. Bourns, R. Fair, B. Desnoyers, R. Nutley, Fire Chief Peace, N. Catalano, T. Bradbury, J. Weatherhead, B. McMullin, L. Coveyduck, Police Chief Robertson, E. Holt, S. K. Reeder

Alderman D. Wilson, Chairman called the meeting to order.

THE FOLLOWING ITEMS WERE RECOMMENDED TO REGIONAL COUNCIL:

1. **Adventure Golf Inc. – Confederation Park Lease Amendment (FIN00045)**
(Item 2.1)

- (a) That, the Regional Municipality of Hamilton-Wentworth enter into an amending agreement with the Hamilton Region Conservation Authority and Adventure Golf Inc. providing for a ten (10) year extension of the term from December 15, 2005 to December 15, 2015, providing for the existing scale of guaranteed minimum rents or percentage of profits, and providing for the lease of Part 1, (Plan 62R-15225); and,
- (b) That the Chairman, Acting Municipal Clerk, and General Manager, Finance, be authorized and directed to execute the amending agreement, said agreement being in a form satisfactory to the Corporate Counsel and Director of Real Estate; and,
- (c) That as per the Regulation made under the City of Hamilton Act, 1999, the amending agreement be referred to the Transition Board for consideration.

2. **Court Security Staffing Increase Proposal (PSB00053a)** (Item 3)

- (a) That Regional Council finance the hiring of five additional Special Constables, Court Services Security Branch, to meet immediate security needs within the John Sopinka Courthouse; and,
- (b) That financing of the hiring of five additional Special Constables, Court Services Security Branch, the Year 2000 cost of \$206,000 be added to the Police Services Board budget (RHWEN 376332) and funded as follows:
 - (i) Firstly, from surpluses in the Police Services Board Year 2000 budget;
 - (ii) Secondly, from overall corporate surplus;
 - (iii) Lastly, from the Tax Stabilization Reserve (RHWEN 110046); and,
 - (iv) That the annualized cost of the hiring of five additional Special Constables be incorporated in the Year 2001 Police Services Board budget submission; and,
- (c) That this request is subject to approval by the Transition Board.

3. **Funding Source for Determining a Site for Ambulance Administration (FIN00063) (Item 4)**
 - (a) That as referred to in Section 7 of Report 02-00 of the Community Services and Public Health Committee approved by Regional Council on February 15, 2000, that a maximum of \$250,000 be allocated from the Tax Stabilization Reserve (RHWEN110046) to fund the site for ambulance administration; and,
 - (b) That this request is subject to approval by the Transition Board.
4. **1999 Regional Year End Operating Surplus (FIN00068) (Item 6)**
 - (a) That the 1999 surplus in Community Reinvestment Fund for unexpended funds for services downloaded by the Province, estimated to be \$3.3 million be transferred to the Tax Stabilization Reserve (RHWEN 110046); and,
 - (b) That the remaining surplus in the General Levy programs estimated to be \$13.1 million be transferred to the Working Funds Reserve (RHWEN 112400); and,
 - (c) That this report be forwarded to the Transition Board for their approval.
5. **Hamilton Downtown Partnership (Item 9)**
 - (a) That the document presented by the Hamilton Downtown Partnership to the Finance and Administration Committees, which contains a revised mandate, and is herewith attached and marked Appendix "A", be endorsed; and,
 - (b) That a more open dialogue between the Hamilton Downtown Partnership and the City of Hamilton/Region of Hamilton-Wentworth be maintained by having quarterly meetings between the City and Region Finance and Administration Committees and the Hamilton Downtown Partnership; and,
 - (c) That in keeping with the recently approved Policy for Funding of Non-Profit Agencies, that the Year 4 and 5 Hamilton Downtown Partnership Budgets be referred to the Transition Board for inclusion in the future Operating Budgets.

6. **Policy respecting use of Cell Phones in meetings (Item 21)**

- (a) That the Corporate Policy Manual be amended to include the following restriction respecting the use of cell phones and pagers during all Council and Standing Committee meetings:

"In order to maintain the focus of Council and Committee meetings, all cellular telephones and pagers are to be switched to a non-audible function during these meetings."

- (b) That this restriction appear on all future Council and Standing Committee Agendas and be appropriately displayed at the entrance of the Council Chambers and Committee meeting rooms.

7. **Non-Union Salary Adjustment (HUR0004)(Item 13.1)**

- (a) That the Non-Union salary grid for all City and Regional exempt staff be increased by 1.5% effective April 1, 2000.
- (b) That this recommendation will require Transition Board approval.

FOR THE INFORMATION OF REGIONAL COUNCIL:

(a) **Declarations of Interest (Item 1)**

None declared.

(b) **Adoption of Minutes – May 2, 2000 (Item 8)**

The Minutes of the meeting of the Joint Meeting session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee held on Tuesday, May 2, 2000, were adopted.

(c) **Presentation - Hamilton Region Conservation Authority (Item 2)**

The Committee received a presentation by Ben Vanderbrug, Hamilton Region Conservation Authority respecting the Adventure Golf Inc. Confederation Park Lease Agreement

(d) **Metered Water Penalty and Interest Rates (FIN00064)(Item 5)**

The Committee received the Information Report from the General Manager, Finance entitled "Metered Water Penalty and Interest Rates (FIN00064)". The

Committee requested additional information of staff to look at increasing the time for ratepayers to pay; review the methods of payments; reviewing the billing process.

(e) Presentation – Hamilton Downtown Partnership (Item 9)

The Committee received a presentation from Al Peckham, spokesperson for the Hamilton Downtown Partnership.

(f) City/Region Budget Variance to April 30, 2000 (FIN00069) (Item 10)

The Committee received a report from the General Manager, Finance respecting the above noted matter. The Committee approved a motion for presentation to City Council.

(g) Information Items Listing (Item 11)

The Committee approved the receipt of the following Information Item:

- (i) Information Report – General Manager, Finance – Finance Department Staff Relocations (FIN00066)**

**THE FOLLOWING ITEMS WERE RECOMMENDED TO A SPECIAL MEETING OF
CITY COUNCIL SCHEDULED FOR TUESDAY, JUNE 6, 2000:**

1. Non-Union Salary Adjustment (HUR0004)(Item 13.1)

- (a)** That the Non-Union salary grid for all City and Regional exempt staff be increased by 1.5% effective April 1, 2000; and,
- (b)** That this recommendation will require Transition Board approval.

2. Lakeland Pool (CSC00096)(Item 24)

- (a)** That City Council approve a grant in the amount of \$20,000 to the Lakeland Family Pool Association for the purpose of operating the Lakeland Pool for the 2000 summer season only; and,
- (b)** That the grant be subject to the operators receiving all necessary approvals from the Department of Public Health; and,
- (c)** That the grant be subject to the operators providing proof of insurance satisfactory to the City Solicitor; and,

- (d) That the grant in the amount of \$20,000 to Lakeland Pool be funded from the Reserve for Contingency (COHAM 104015); and,
- (e) That this recommendation be forwarded to the Transition Board for their approval.

**THE FOLLOWING ITEMS WERE RECOMMENDED TO THE REGULAR MEETING OF
CITY COUNCIL HELD ON TUESDAY, JUNE 27, 2000:**

1. Hamilton Downtown Partnership (Item 9)

- (a) That the document presented by the Hamilton Downtown Partnership to the Finance and Administration Committees, which contains a revised mandate, and is herewith attached and marked Appendix "A", be endorsed; and,
- (b) That a more open dialogue between the Hamilton Downtown Partnership and the City of Hamilton/Region of Hamilton-Wentworth be maintained by having quarterly meetings between the City and Region Finance and Administration Committees and the Hamilton Downtown Partnership; and,
- (c) That in keeping with the recently approved Policy for Funding of Non-Profit Agencies, that the Year 4 and 5 Hamilton Downtown Partnership Budgets be referred to the Transition Board for inclusion in the future Operating Budgets.

2. City Budget Variance to April 30, 2000 (FIN00069) (Item 10)

- (a) That the costs of demolishing the Fernleigh Lawnbowling Club (estimated at \$20,000) be funded from the Property Purchases Reserve (COHAM 100035); and,
- (b) That any proceeds from the sale of the surplus lands of the Fernleigh Lawnbowling Club be credited to the Property Purchases Reserve (COHAM 100035); and,
- (c) That this report be forwarded to the Transition Board for approval.

3. Underground Parking Garage – Lighting Retrofit (FAC00002) (Item 16)

- (a) That the staff of the Facilities Management Department be authorized to proceed with the retrofit of the lighting system within the Underground Parking Garage in an amount not to exceed \$175,000; and,
- (b) That the retrofit project be funded from the Enterprise Fund Account and repaid over a period not to exceed five (5) years from the operating savings realized from the reduced energy consumption; and,
- (c) That this matter be referred to the Transition Board for approval.

4. Sale of Alleyway between Glenfern Avenue and Amelia Street, Parts 7, 9 and Part of Part 6, Plan 62R-14134 (CS00022) (Item 17)

- (a) That an Offer to Purchase (Highway Closure) duly executed by The Wright-Williams Realty Co. Limited on May 14, 1999 and scheduled to close on June 29, 2000, for a portion of the alleyway between Glenfern Ave. and Amelia Street being Parts 7, 9 and the easterly half of Part 6, Plan 62R-14134, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Sales Procedural By-Law No. 95-049 have been fulfilled by the City, and By-Law No. 99-080, to stop-up, close and sell said alleyway was passed on June 29, 1999 and registered in the Land Registry Office as instrument LT560115 on July 8, 1999, and funds derived from the sale of \$2.00 be credited to Account Centre 47702-100035 (Reserve for Property Purchases – Sales); and,
- (b) That the Mayor and Acting Municipal Clerk be authorized and directed to execute the necessary documents; and,
- (c) That in accordance with Real Property Sales Procedural By-Law No. 95-049,
 - (i) satisfactory notice has been given to the public of the intended sale by Notices that were published in the Spectator for four (4) consecutive weeks pursuant to Section 300 of the Municipal Act (the highway sale provisions); and,
 - (ii) property sales/dispositions of Highways (Alleyways) are exempt from the requirement of an appraisal of fair market value; and,
 - (iii) The Acting Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act.

5. Declaration of Surplus Lands - Hamilton Beach (CS00024) (Item 18)

- (a) That the following properties be declared surplus to the requirements of the City of Hamilton in accordance with the Real Property Sales Procedural By-Law No. 95-049:

<u>Item No.</u>	<u>Municipal #</u>	<u>Street Name</u>	<u>Approximate Size In Feet</u>
1.	1057	Beach Blvd.	56.5 x 126
2.	1052	Beach Blvd.	72 x 160
3.	1038	Beach Blvd.	60 x 134
4.	1026	Beach Blvd.	177 x 130
5.	991	Beach Blvd.	103 x 137
6.	990	Beach Blvd.	108 x 140
7.	964-978	Beach Blvd.	246 x irregular
8.	951	Beach Blvd.	54 x 146
9.	930-940	Beach Blvd.	121 x irregular
10.	920	Beach Blvd.	172 x 193
11.	883	Beach Blvd.	53 x 96
12.	856 (860 – 950)	Beach Blvd.	183 x 195
13.	1	Fifth Avenue	38 x 97
14.	4	Fifth Avenue	43 x 98
15.	789	Beach Blvd.	31 x 147
16.	320	Beach Blvd.	49 x 142
17.	3	Locarno Drive	105 x 139
18.	12	Locarno Drive	42 x 80
19.	776	Beach Blvd.	30 x 184
20.	73	Beach Blvd.	32 x 42
21.	163	Beach Blvd.	25 x 102
22.	165	Beach Blvd.	25 x 102
23.	287	Beach Blvd.	28 x 238
24.	3	Wark Avenue	22 x 78
25.	4	Wark Avenue	33 x 70
26.	4	Lakeside Avenue	32 x 94
27.	8	Lakeside Avenue	33 x 94
28.	3	Lakeside Avenue	32 x 94
29.	493	Beach Blvd.	25 x 94
30.	3	Dexter Avenue	70 x 67
31.	5	Dexter Avenue	33 x 67
32.	5	Wickham Avenue	40 x 84.3
33.	5	Knapmans Drive	50 x 86
34.	7	Knapmans Drive	50 x 82
35.	2	Windermere Ave.	38.5 x 62.4

36.	6	Windermere Ave.	39.5 x 64
37.	15	Windermere Ave.	79 x 75
38.	858 (rear)	Beach Blvd.	Irregular
39.	860 (rear)	Beach Blvd.	Irregular
40.	854 (rear)	Beach Blvd.	Irregular
41.	852 (rear)	Beach Blvd.	Irregular
42.	850 (rear)	Beach Blvd.	Irregular
43.	843 (rear)	Beach Blvd.	Irregular
44.	845 (rear)	Beach Blvd.	Irregular
45.	841 (rear)	Beach Blvd.	Irregular
46.	826 (rear)	Beach Blvd.	Irregular
47.	5 (rear)	Locarno Avenue	Irregular
48.	1044 (rear)	Beach Blvd.	Irregular
49.	1145	Beach Blvd.	166 x 116
50.	1111	Beach Blvd.	49.5 x 118
51.	717	Beach Blvd.	30 x 184
52.	536	Beach Blvd.	35 x 120
53.	328	Beach Blvd.	126 x 329
54.	258	Beach Blvd.	105 x 259
55.	526	Beach Blvd.	40 x 355
56.	512	Beach Blvd.	70 x 140
57.	496	Beach Blvd.	100 x 250
58.	486	Beach Blvd.	50 x 190
59.	456	Beach Blvd.	114 x 374
60.	417	Beach Blvd.	103 x 213
61.	422	Beach Blvd.	102 x 382.7
62.	358	Beach Blvd.	50 x 334
63.	483	Beach Blvd.	25 x 114
64.	312	Beach Blvd.	100 x 279
65.	984	Beach Blvd.	60 x 193
66.	809	Beach Blvd.	49 x 142
67.	640	Beach Blvd.	50 x 100
68.	377	Beach Blvd.	94 x 92

- (b) That Real Estate, Legal Services Section be authorized and directed to sell the properties in accordance with the Real Property Sales Procedural By-law 95-049.

6. Funding of Conference Attendance - Committee of Adjustment (FIN0062)
(Item 19)

That as referred to in Section 5 of the Planning and Development Committee Report 08-00 approved by City Council on April 11, 2000, the cost for attendance by Committee of Adjustment citizen members at the Year 2000 Committee of

Adjustment Conference be charged to the Unclassified Account (COHAM 211115).

**7. Funding Source for Canadian Open Wheelchair Tennis Championships -
Rosedale Tennis Club, June 21 - June 25, 2000 (FIN00060) (Item 20)**

That as referred to in Section 10 of Report 05-00 of the Parks and Recreation Committee approved by City Council on March 14, 2000 that one time funding of \$9,000 be allocated from the Hosting of Conferences with Municipal Subject Content Reserve (COHAM 104030) to the Ontario Wheelchair Sports Association to assist with the costs of hosting the Canadian Open Wheelchair Tennis Championships being held June 21 - 25, 2000 in Hamilton and surrounding area.

8. Policy Respecting Use of Cell Phones in Meetings (Item 21)

- (a) That the Corporate Policy Manual be amended to include the following restriction respecting the use of cell phones and pagers during all Council and Standing Committee meetings:

"In order to maintain the focus of Council and Committee meetings, all cellular telephones and pagers are to be switched to a non-audible function during these meetings."

- (b) That this restriction appear on all future Council and Standing Committee Agendas and be appropriately displayed at the entrance of the Council Chambers and Committee meeting rooms.

**9. City of Hamilton 1999 Distribution of Year-End Operating Surplus (FIN
00070) (Item 22)**

- (a) That the 1999 surplus in Community Reinvestment Funding of \$57,000 be transferred to the Reserve for Tax Stabilization (COHAM 104055); and,
- (b) That the amount of \$50,000 be transferred from the current budget surplus to the Reserve for the Hosting of Special Dignitaries (COHAM 104035); and,
- (c) That the remaining current budget surplus, estimated to be \$612,000 be transferred to the Reserve for Tax Stabilization (COHAM 104055); and,
- (d) That this report be forwarded to the Transition Board for approval.

FOR THE INFORMATION OF CITY COUNCIL:

(a) Declarations of Interest (Item 1)

None declared.

(b) Adoption of Minutes – May 2, 2000 (Item 8)

The Minutes of the meeting of the Joint Meeting session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee held on Tuesday, May 2, 2000, were adopted.

(c) Presentation – Hamilton Downtown Partnership (Item 9)

The Committee received a presentation from Al Peckham, spokesperson for the Hamilton Downtown Partnership

(d) Information Items Listing (Item 11)

The Committee approved the receipt of the following Information Item:

- (i) Information Report – General Manager, Finance – Finance Department Staff Relocations (FIN00066)

(e) In Camera Agenda – Personnel matter (Item 13.1)

The Committee approved the following resolution and agreed that it be presented to a special meeting of City Council being held on Tuesday, June 6, 2000 for approval:

Non-Union Salary Adjustment (HUR0004) (Item 13.1)

- (a) That the Non-Union salary grid for all City and Regional exempt staff be increased by 1.5% effective April 1, 2000; and,
- (b) That this recommendation will require Transition Board approval.

(f) **General Manager, Community Services – Tiered Response (Item 15)**

The Committee received presentations from the Hamilton Firefighters Association, the General Manager of Community Services and the Police Chief respecting Tiered Response.

The Fire Chief advised the Committee that he will be inviting representatives from the Firefighters Association to participate on the Tiered Response Committee and the Ambulance Committee.

(g) **Requested Report Back – Acting City Manager – Comparison of fees and charges for Special Events Operations (Item 23)**

The Committee received for information, the above-noted document.

(h) **Requested Report Back – General Manager, Community Services – Lakeland Pool (Item 24)**

The Committee received the above-noted information report and forwarded the following resolution to a special meeting of City Council on June 6, 2000 for consideration:

Lakeland Pool (CSC00096)(Item 24)

- (a) That City Council approve a grant in the amount of \$20,000 to the Lakeland Family Pool Association for the purpose of operating the Lakeland Pool for the 2000 summer season only; and,
- (b) That the grant be subject to the operators receiving all necessary approvals from the Department of Public Health; and,
- (c) That the grant be subject to the operators providing proof of insurance satisfactory to the City Solicitor; and,
- (d) That the grant in the amount of \$20,000 to Lakeland Pool be funded from the Reserve for Contingency (COHAM 104015); and,
- (e) That this recommendation be forwarded to the Transition Board for their approval.

- (i) **Added – Information Report – General Manager, Finance – Provincially Mandated Taxation Inserts (FIN00071)**

The Committee received the above-noted information report.

The Joint Meeting of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee adjourned at 11:00 a.m.

**Councillor B. Charters, Chairman
Region Finance and Administrative Services Committee**

**Alderman D. Wilson, Chairman
City Finance and Administration Committee**

**Susan K. Reeder,
Acting Manager of Legislative Services/Records
June 6, 2000**

D-9
(b.)

MINUTES



**CITY OF HAMILTON
FINANCE AND ADMINISTRATION
COMMITTEE
REGION OF HAMILTON-WENTWORTH
FINANCE AND ADMINISTRATIVE
SERVICES COMMITTEE**

**Tuesday, June 20, 2000
9:30 a.m.**

**Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton**

Present:

City Finance and Administration Committee

Alderman D. Wilson (Chairman), Alderman D. O'Sullivan (Vice-Chairman), Mayor R. Morrow, Aldermen M. Caplan, A. Horwath, D. Haining, C. Collins, B. Charters, B. Kelly

Region Finance and Administrative Services Committee

Councillor B. Charters, (Chairman), Councillor G. Etherington (Vice-Chairman), Councillors D. Wilson, D. O'Sullivan, R. Powers, M. Kiss, M. Caplan, A. Sloat, F. D'Amico, B. Kelly, A. Bain
Regional Chairman T. Cooke

Also present:

J. Bruzzese, A. Ross, T. Bradbury, E. Chayka, J. Weatherhead, B. McMullin, J. Spiler, Fire Chief G. Peace, Deputy Fire Chief K. Knoflook, Deputy Fire Chief J. Kay, R. Fair, S. Reeder

Councillor B. Charters, Chairman called the meeting to order.

THE FOLLOWING ITEMS WERE RECOMMENDED TO REGIONAL COUNCIL:

1. Property Tax Rebates - Veterans' Clubhouses and Legion Halls (FIN00075)(Item 2)

- (a) That the Region adopt the same tax policy as that used in the City of Toronto to allow for tax rebates of 100% for Veterans' Clubs with the required criteria to be met as follows:
 - (i) That property tax rebates under this program are limited to those properties occupied and used as a memorial home, clubhouse or athletic grounds by persons who served in the armed forces of Her Majesty or Her Majesty's allies in any war; and,

- (ii) That all clubhouses and legion halls receiving a property tax rebate must provide annually to the Chief Financial Officer and Treasurer a copy of their audited financial statements, as well as other information regarding their organization (including number of members) and operations (including community activities). This information must be received by September 1st of each year; and,
 - (iii) That property tax rebates will only be provided for the portion of the property actually used as a clubhouse; and,
 - (iv) That Veterans' clubhouses and legion halls that occupy their premises pursuant to a lease will be required to provide a copy of their lease agreement and/or a statement from their landlord confirming the amount of property taxes payable by them through the terms of their lease agreement. Property tax rebates for leased premises will be paid to the organization subject to receipt of this information. Rebates for leased premises will be paid to the veterans' clubhouses and legion halls on the first due date following the issuing of the final tax bill for the year; and,
 - (v) That property taxes for owned premises will be rebated through the direct adjustment of taxes on the property tax account; and,
 - (vi) That the Finance Department will provide each organization an annual statement of the property taxes rebated for the year, including the amount of taxes rebated for school purposes; and,
 - (vii) That tax rebates apply to current taxes only and not tax arrears. Any clubhouse or legion hall with outstanding taxes from 1999 or prior years must enter into payment arrangements with the Finance Department, Revenue Services Division, with a view to bringing taxes current as quickly as possible; and,
- (b) That the Province be requested to provide the same cost sharing of the rebate program with respect to the education portion of the property taxes, as that provided to the City of Toronto in accordance with section 442.1 of the Municipal Act; and,
 - (c) That this Region Tax Policy be in effect for three years (2000, 2001, 2002); and,
 - (d) That this matter be forwarded to the Transition Board for approval.

2. **Financing of Montgomery Creek Stormwater Management Project under The Municipal Act (FIN00076)(Item 3)**
 - (a) That the construction and servicing costs for the Montgomery Creek Stormwater Management project (Refer report PDR00106) in the estimated amount of \$1,000,000 be recovered from the abutting owners under the Municipal Act on a full cost recovery basis; and,
 - (b) That the construction costs for the project be front-ended from the Storm Sewer Capital Reserve (RHWEN 108010) and repaid with interest (15 year debenture borrowing rate) as the abutting owners apply for building permits; and,
 - (c) That the City of Stoney Creek be requested to provide funds for their portion of this project and that this report be forwarded to the City of Stoney Creek for their consideration; and,
 - (d) That the General Manager, Community Planning and Development be authorized to prepare the necessary By-laws for the project, in accordance with the requirements of the Municipal Act, in a form satisfactory to the General Manager of Finance; and,
 - (e) That as per the regulation made under the City of Hamilton Act, 1999, the project be referred to the Transition Board for consideration since it was not included in the approved 2000 Budget for capital projects.
3. **Grant - First Unitarian Church, 170 Dundurn Street South - Outstanding 1998 taxation year (New business #1)**
 - (a) That the Region provide a grant in the amount of \$4,175.80 to the First Unitarian Church of Hamilton for payment of the Region's portion of the outstanding taxes on the property at 170 Dundurn Street South for the 1998 year ; and,
 - (b) That this amount be provided from the Year 2000 Corporate surplus.

4. **Region of Hamilton-Wentworth Compliance Requirements for Year 2000 Community Reinvestment Funding (FIN00079)(New Business #2)**
- (a) That the Regional Municipality of Hamilton-Wentworth confirm the use of the 2000 Community Reinvestment Funding allocation as described in the Schedule attached herewith and marked Appendix "A"; and,
 - (b) That the Regional Municipality of Hamilton-Wentworth comply with the request of the Ministers of Finance and Municipal Affairs and Housing and submit to the Province an electronic copy of a forecast of the 2000 continuity of reserves and reserve fund schedule (FIR Schedule 10), attached herewith and marked Appendix "B", by June 30, 2000; and,
 - (c) That the Regional Municipality of Hamilton-Wentworth comply with the request of the Ministers of Finance and Municipal Affairs and Housing and submit an electronic copy of a forecast of the Year 2000 capital fund operations (FIR Schedule 5), attached herewith and marked Appendix "C", by June 30, 2000.

FOR THE INFORMATION OF REGIONAL COUNCIL:

- (a) **Declarations of Interest (Item 1)**

None declared.

- (b) **Information Report - General Manager, Transportation, Operations and Environment - After-hours Dispatch Service (ENV00024)(Item 4.1)**

The Committee was in receipt of the above noted Information Report. As a result of discussion, it was agreed that the Acting City Manager would report back to the Region Committee of the Whole session scheduled for July 4, 2000 with information on the actions taken to improve the communications and address complaints received regarding the After-Hours Dispatch Service.

THE FOLLOWING ITEMS WERE RECOMMENDED TO CITY COUNCIL:

1. **Tax Applications processed under Section 443, Subsection (5) of The Municipal Act, Chapter 45, Statutes of Ontario, 1990 (FIN00065) (Item 9)**
- (a) That realty and business tax applications processed under Section 443, of The Municipal Act, Chapter 45, Statutes of Ontario, 1990 in the amount of

\$27,480.33 be approved and charged to COHAM 52108 211025 Tax Remissions; and,

- (b) That this request be forwarded to the Transition Board for approval.

2. Authorization to Enter into an Extension Agreement on a Specific Property for the Payment of Realty Tax Arrears (FIN00074) (Item 10)

- (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the Corporate Counsel and the General Manager, Finance pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of 769 Mohawk Road East to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on June 28, 1994; and,
- (b) That the by-law to authorize the said Extension Agreement be enacted by City Council; and,
- (c) That the Mayor and Acting Municipal Clerk be authorized to execute the aforesaid by-law and extension agreement.

3. City of Hamilton Compliance Requirements for Year 2000 Community Reinvestment Funding (FIN00078) (New Business #1)

- (a) That the City of Hamilton confirm the use of the 2000 Community Reinvestment Funding allocation as described in the Schedule 1 attached herewith and marked, Appendix "A"; and,
- (b) That the City of Hamilton comply with the request of the Ministers of Finance and Municipal Affairs and Housing and submit to the Province an electronic copy of a forecast of the 2000 continuity of reserves and reserve fund schedule FIR Schedule 10 attached herewith and marked Appendix "B"; and,
- (c) That the City of Hamilton comply with the request of the Ministers of Finance and Municipal Affairs and Housing and submit to the Province an electronic copy of a forecast of the Year 2000 Capital Fund Operations FIR Schedule 5 attached herewith and marked Appendix "C".

4. Fire Negotiations (C00700)(Item 12.1)

- (a) That additional costs for professional services rendered in relation to the City's application to the Ontario Labour Relations Board (OLRB) for the

designation of positions as "excluded management" pursuant to the provisions of the Fire Prevention Act, in an amount not to exceed \$70,000 be funded as follows:

- (i) Firstly, from surplus in the Human Resources budget;
 - (ii) Secondly, from overall corporate surplus;
 - (iii) Lastly, from the Reserve for Tax Stabilization (COHAM 104055); and,
- (b) That this request for additional funding be forwarded to the Transition Board for consideration.

5. Hosting of Dinner for dignitaries attending the International Children's Games being held in Hamilton July 1-7, 2000 (New Business #2)

- (a) That approval be given to host a dinner for dignitaries attending the International Children's Games being held in Hamilton on July 1-7, 2000 at an amount of \$6,000.; and,
- (b) That funding for this amount be charged to the Unclassified account COHAM 211115.

6. Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-026 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears
- (b) D-027 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

FOR THE INFORMATION OF CITY COUNCIL:

(a) Declarations of Interest (Item 1)

None declared.

(b) Presentation – Fire Chief - To the present and past Chairmen of the Finance and Administration Committee (Item 8)

Fire Chief Peace, Deputy Chief Knoflook and Deputy Chief Kay presented a golden helmet to former Alderman Don Ross, Alderman B. Charters and

Alderman D. Wilson as appreciation for their past and present Chairmanship of the Finance and Administration Committee.

(c) Information Items Listing (Item 11)

The Committee approved the receipt of the following Information Item:

- 11.1 Information Report – General Manager, Community Services Division –
Purchase of Engine Exhaust Extraction Equipment – Adjustment to Value
of Purchase Order to include Provision for PST (CSC00095)**

Note: The meeting of the Joint Meeting Session of the Region Finance and Administrative Services Committee and the City Finance and Administration Committee adjourned at 10:15 a.m.

**Councillor B. Charters, Chairman
Region Finance and Administrative Services Committee**

**Alderman D. Wilson, Chairman
City Finance and Administration Committee**

**Susan K. Reeder
Acting Manager of Legislative Services/Records
June 20, 2000**

**REGION OF HAMILTON-WENTWORTH
&
CITY OF HAMILTON
- INFORMATION -**

D-9
(c.)

DATE: 2000 June 26

REPORT TO: Chairman and Members
City Committee of the Whole (FA)
Region Committee of the Whole (FAS)

FROM: James P. Bruzzese
Acting City Manager

SUBJECT: Telephone Contact with City Hall – Customer Service
(CM0016)

BACKGROUND:

This report has been prepared in response to concerns expressed with respect to the adequacy of telephone customer service provided by the City and Regional including, but not limited to, response time, and effective call forwarding. In preparing this report General Managers, Administrative Assistants, Managerial staff and front-line staff were canvassed for comments, concerns and suggestions.

While resolutions to the concerns raised have not yet been identified, a process has been developed to assist in identifying service that can be improved with minor amendment and service which requires further study and/or the allocation of additional resources. The aim of this process will be to ensure those persons utilizing City and Regional services feel, as frequently as possible, like customers rather than captive clientele.

A mandatory City/Regional policy/guideline on telephone protocol neither exists nor is recommended at this time. Dependant upon the services provided by particular parts of the organization, flexibility in approach is desirable. Notwithstanding the desirability of flexibility, City and Regional staff should utilize the following basic parameters as a guideline for customized front-line implementation:

- Regional and City information should be available by telephone;
- Telephone calls should be answered within a reasonable period of time;
- A person should be able to have a direct telephone conversation with City and Regional staff;
- In limited situations, when it is not possible to respond to telephone inquiries as they are received, acceptable alternatives should be available; and
- While basic common courtesy is expected of both callers and receivers, frustration, and lack of information inhibit best behaviour.

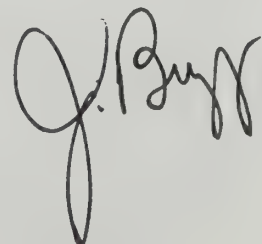
A short due diligence questionnaire will be prepared for review by General Managers and Directors of the City and Region. The intent of this questionnaire is to ensure that existing phone service levels are reviewed and, where necessary, improved.

The Acting City Manager's office has been and will continue to work with Departments/Divisions that identify or have been identified as experiencing problems with their current telephone calling systems and protocols. In such cases, after consultation with appropriate staff, it may be necessary to make changes in order to effect a satisfactory level of customer service.

In order to effectively identify and resolve complaints respecting telephone customer service, the City Manager's office will be arranging for the preparation of a caller complaint form which will subsequently be available to elected officials, staff and the public.

In terms of telephone systems, the Facilities Management Department recently retained a telecom consulting firm to assist in ensuring that the most appropriate services are being provided by the City and Region in the most efficient manner.

As an alternative to the telephone system, a number of City/Regional Departments have already developed or are developing their own pages within the corporate web-site and offering access to staff and information via a generic email address. A number of other City/Regional Departments/Agencies maintain their own sites and provide a degree of contact capabilities. Information Technology staff is available to assist with the development, expansion and creation of additional web pages and contact options for corporate departments and divisions.





BILLS

CITY OF HAMILTON CITY COUNCIL

Tuesday, July 4, 2000
(immediately following Regional Council)
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL

- A-035 Being a By-law to incorporate City land designated as Part of Block 30 on Plan 62M-710, being Part 3 on Plan 62R-13389, save and except Part 2 on Plan 62R014168 into Appleblossom Drive.
- A-036 Being a By-law to incorporate City land designated as Parts 1, 4, 5, 8, 9, 11, 15 and 26 on Plan 61R-15419 into Eaglewood Drive
- A-037 Being a By-law to incorporate City land designated as Part 4 on Plan 62R-14109 into Elmore Drive
- A-038 Being a By-law to incorporate City land designated as block 23 on Plan 62M-853 into Meadowpoint Drive
- A-039 Being a By-law to incorporate City land designated as Block 38 on Plan 62M-778 into Piano Drive.
- A-040 Being a By-law to incorporate City land designated as Part 3 on Plan 62R015301 into Ferguson Avenue.
- A-041 Being a By-law to incorporate City land designated as Part 2 on Plan 62R015305 into Rebecca Street.
- A-042 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- A-043 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- A-044 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- A-045 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic.
- C-040 Being a By-law to Amend: Zoning By-law No. 6593 as amended by Zoning By-law No. 98-024 Respecting lands located at Municipal No. 220 Dundurn Street South

- C-041 Being a By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-law 99-136 respecting Lands Located at Municipal Nos. 54 and 56 Alanson Street.
- C-042 Being a By-law to Establish Site Plan Control respecting land located at Municipal No. 164 Limeridge Road East
- D-028 Being a By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears
- D-029 Being a By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS PART OF BLOCK 30 ON PLAN 62M-710,
BEING PART 3 ON PLAN 62R-13389, SAVE AND EXCEPT
PART 2 ON PLAN 62R-14168
INTO APPLEBLOSSOM DRIVE

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Appleblossom Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That By-Law 00-050 be rescinded, as it incorrectly named Chesley Street as the road to be incorporated.
2. That the following land is hereby established and laid out as a public highway to form part of Appleblossom Drive.

A one-foot reserve, being part of Block 30 on Plan 62M-170 and being Part 3 on Plan 62R-13389, save and except Part 2 on Plan 62R-14168,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

3. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
4. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 4th day of July, A.D. 2000

Municipal Clerk

Mayor

P. L. N. 100-45 -- C-170
(ESTABLISHED ACCORDING TO RECD. PLAN 00H-710)
APPLEBLOSSOM DRIVE

P. 1. 4. 100-44 - 40724
 --BLOCK 30--
 (D 30 WIDE RESERVE PLAN (501-710))

2025-2026-2027
2028-2029-2030

REGISTERED PLAN No 947

LOT 30

REGISTER

CHESLEY STREET

(ESTABLISHED BY RIGID PLANK NUMBER) (ESTABLISHED BY RIGID PLANK NO.)

KEY MAP



LOCATION PLAN

APPLEBLOSSOM DRIVE
(Part 3 on Plan 62R-13389 & Part 2 on Plan
62R-14168)

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2000-06-15

REFERENCE FILE NO: **S-601-02**

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1, 4, 5, 8, 9, 11, 15 and 16
ON PLAN 62R-15419,
INTO EAGLEWOOD DRIVE**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Eaglewood Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Eaglewood Drive.

Part of Lot 7, Concession 8, in the Township of Barton, designated as Parts 1, 4, 5, 8, 9, 11, 15 and 16 on Plan 62R-15419,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 4th day of July, A.D. 2000

Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 4 ON PLAN 62R-14109,
INTO ELMORE DRIVE**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Elmore Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Elmore Drive.

Part of Lot 7, Concession 8, in the Township of Barton, being Part 4 on Plan 62R-14109.

City of Hamilton

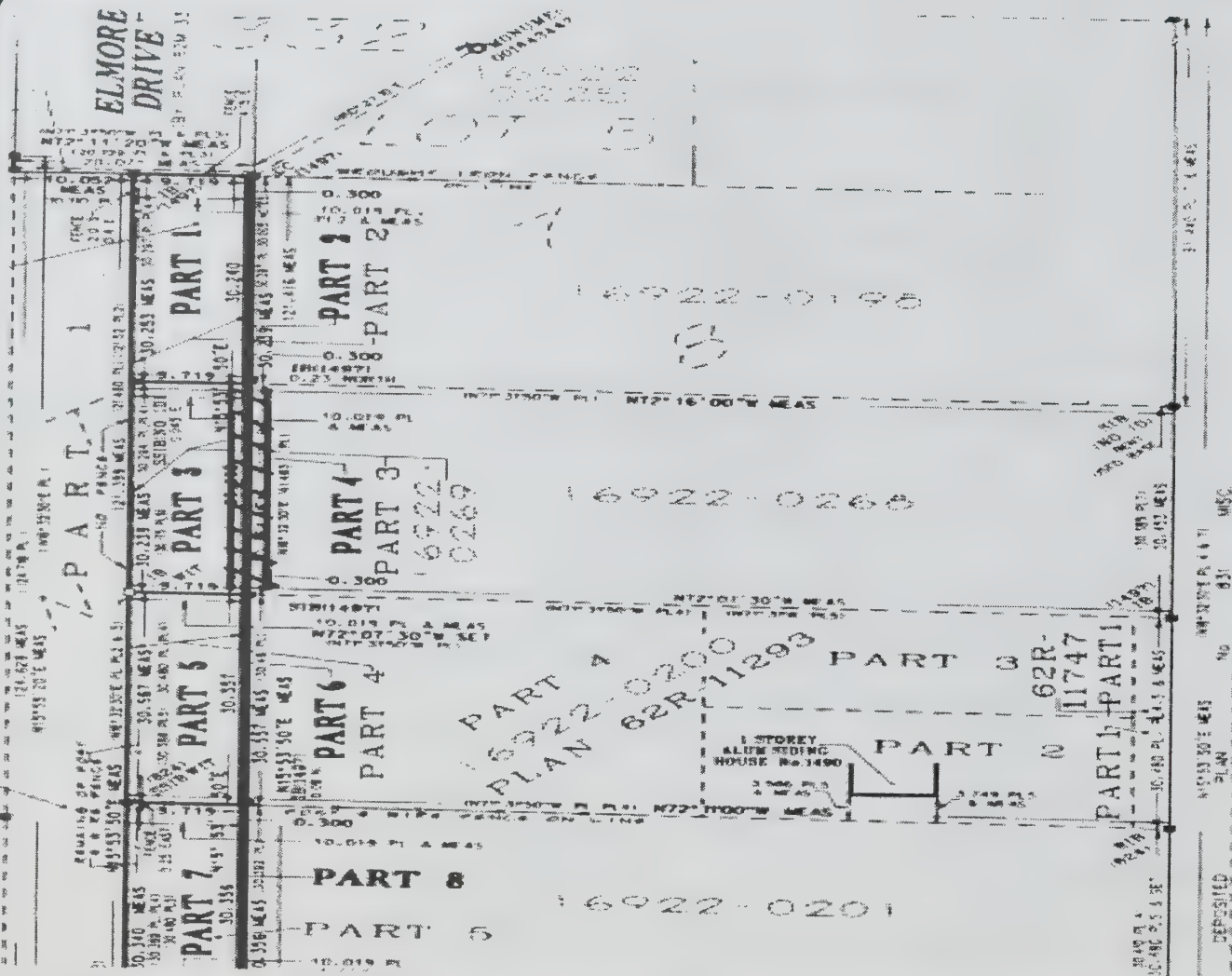
Regional Municipality of Hamilton-Wentworth

2. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

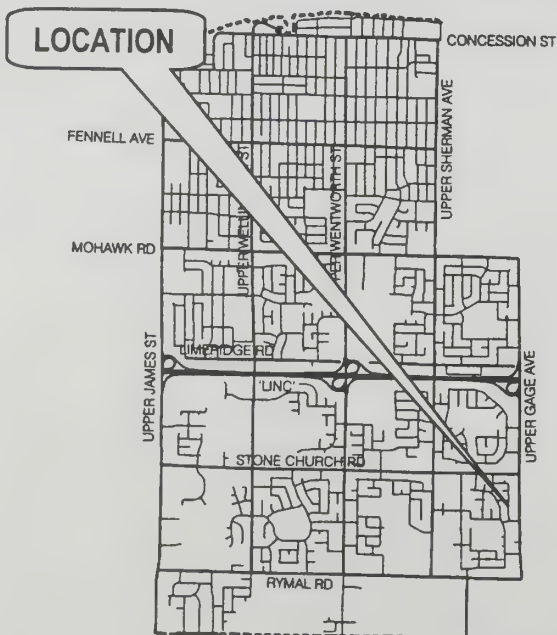
PASSED this 4th day of July, A.D. 2000

Municipal Clerk

Mayor



KEY MAP



HAMILTON
WARD 7



LOCATION PLAN

ELMORE DRIVE
(Part 4 on Plan 62R-14109)

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT LAND

SCALE

NOT TO SCALE

DATE

2000-06-15

REFERENCE FILE NO: S-601-02

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 23 ON PLAN 62M-853,
INTO MEADOWPOINT DRIVE**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Meadowpoint Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Meadowpoint Drive.

Block 23 on Plan 62M-853,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 4th day of July, A.D. 2000

Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 38 ON PLAN 62M-778,
INTO PIANO DRIVE**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Piano Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Piano Drive.

Parcel Reserves-1, Section 62M-778, being Block 38 on Plan 62M-853,

City of Hamilton

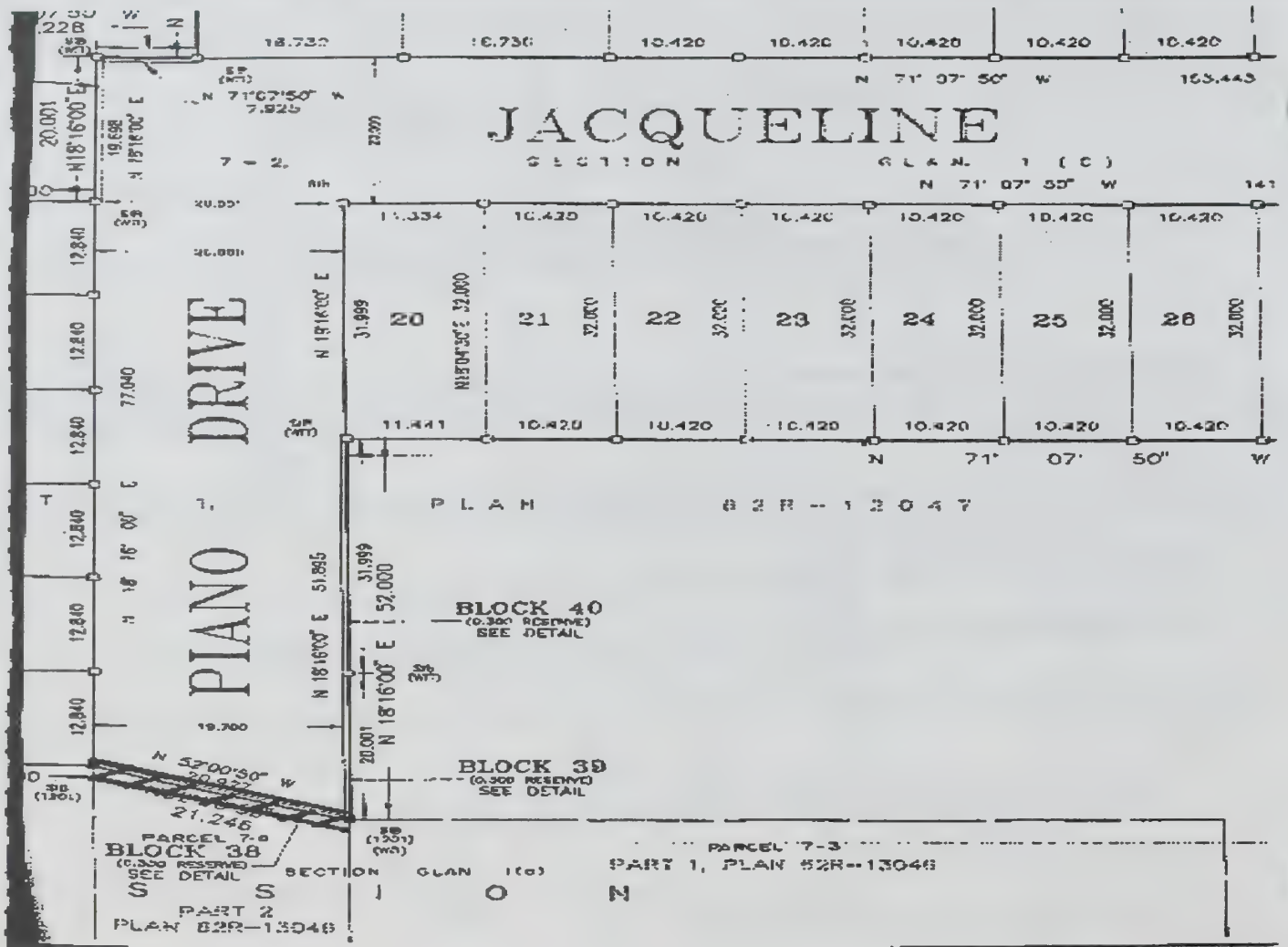
Regional Municipality of Hamilton-Wentworth

2. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

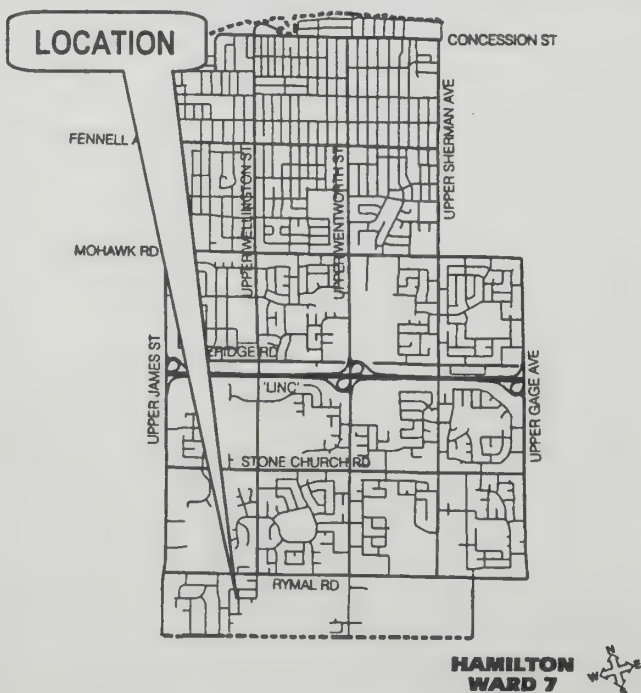
PASSED this 4th day of July, A.D. 2000

Municipal Clerk

Mayor



KEY MAP



LOCATION PLAN

PIANO DRIVE (Block 38 on Plan 62M-778)

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2000-06-15

REFERENCE FILE NO: S-601-02

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 3, ON PLAN 62R-15301,
INTO FERGUSON AVENUE**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Ferguson Avenue within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Ferguson Avenue.

Lot 15, Registrar's Compiled Plan 1391, designated as Part 3 on Plan 62R-15301,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

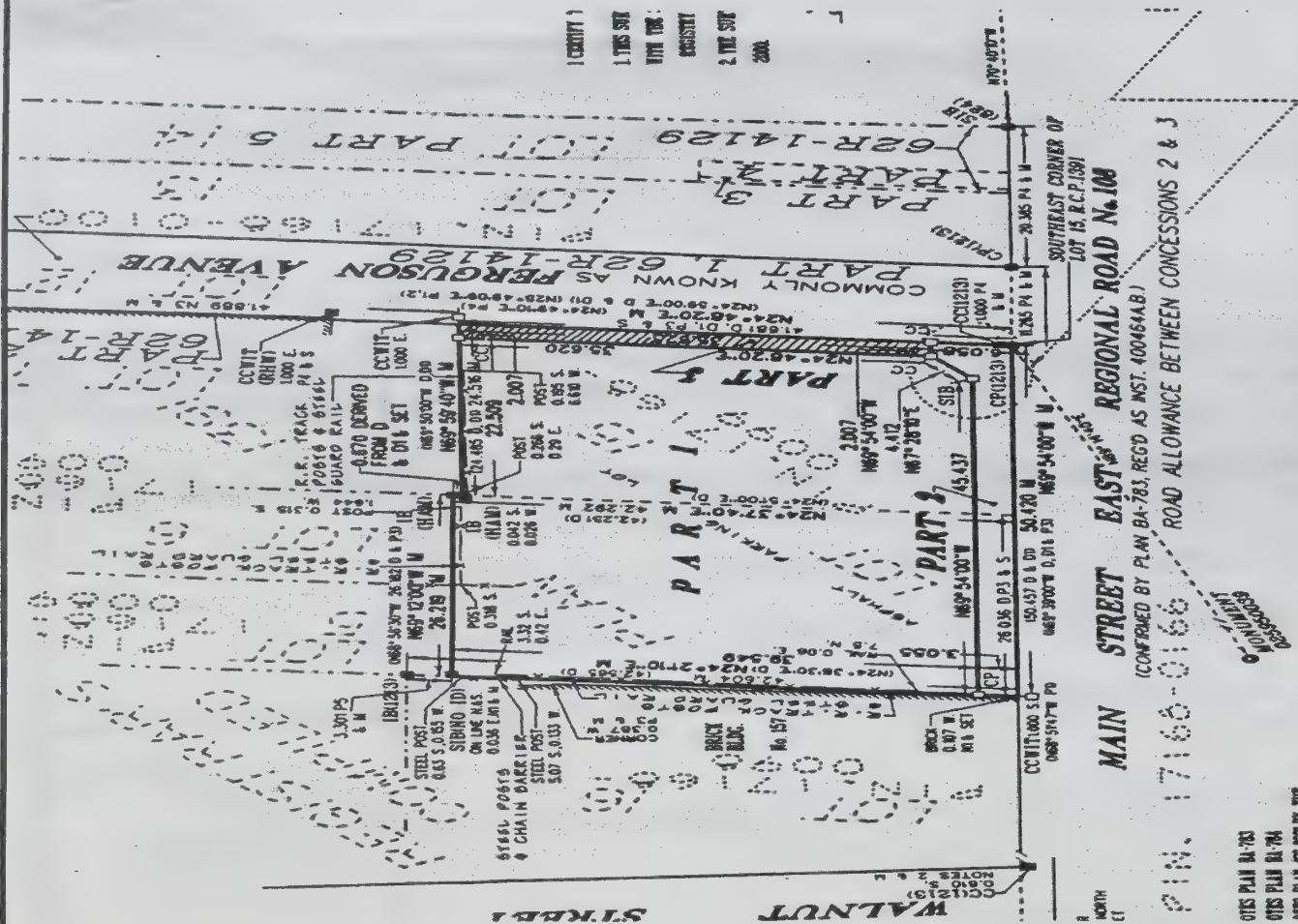
2. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 4th day of July, A.D. 2000

Municipal Clerk

Mayor

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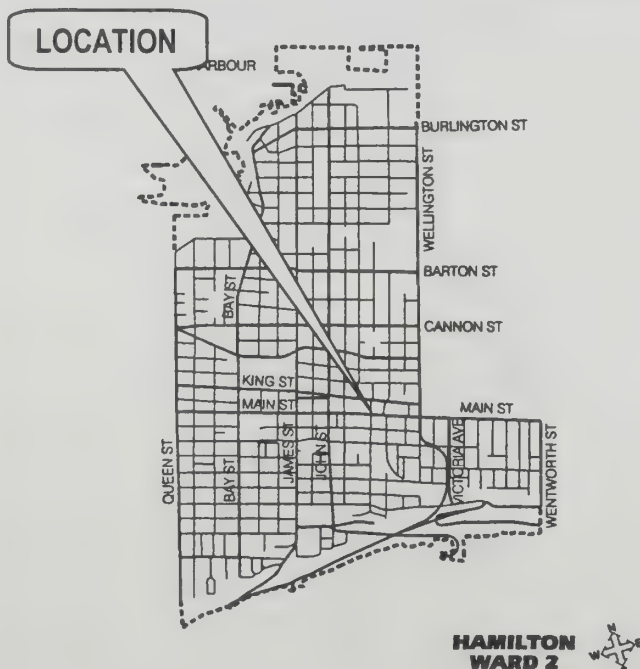


REGIONAL MUNICIPALITY OF HAMILTON

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KEY MAP



LOCATION PLAN

FERGUSON AVENUE (Part 3 on Plan 62R-15301)

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2000-06-15

REFERENCE FILE NO: 06-6815

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 2 ON PLAN 62R-15305,
INTO REBECCA STREET**

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Rebecca Street within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Rebecca Street.

Part of Lots 49 and 50, Nataniel Hughson Survey (unregistered), designated as Part 2 on Plan 62R-15305,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. That the Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 4th day of July, A.D. 2000

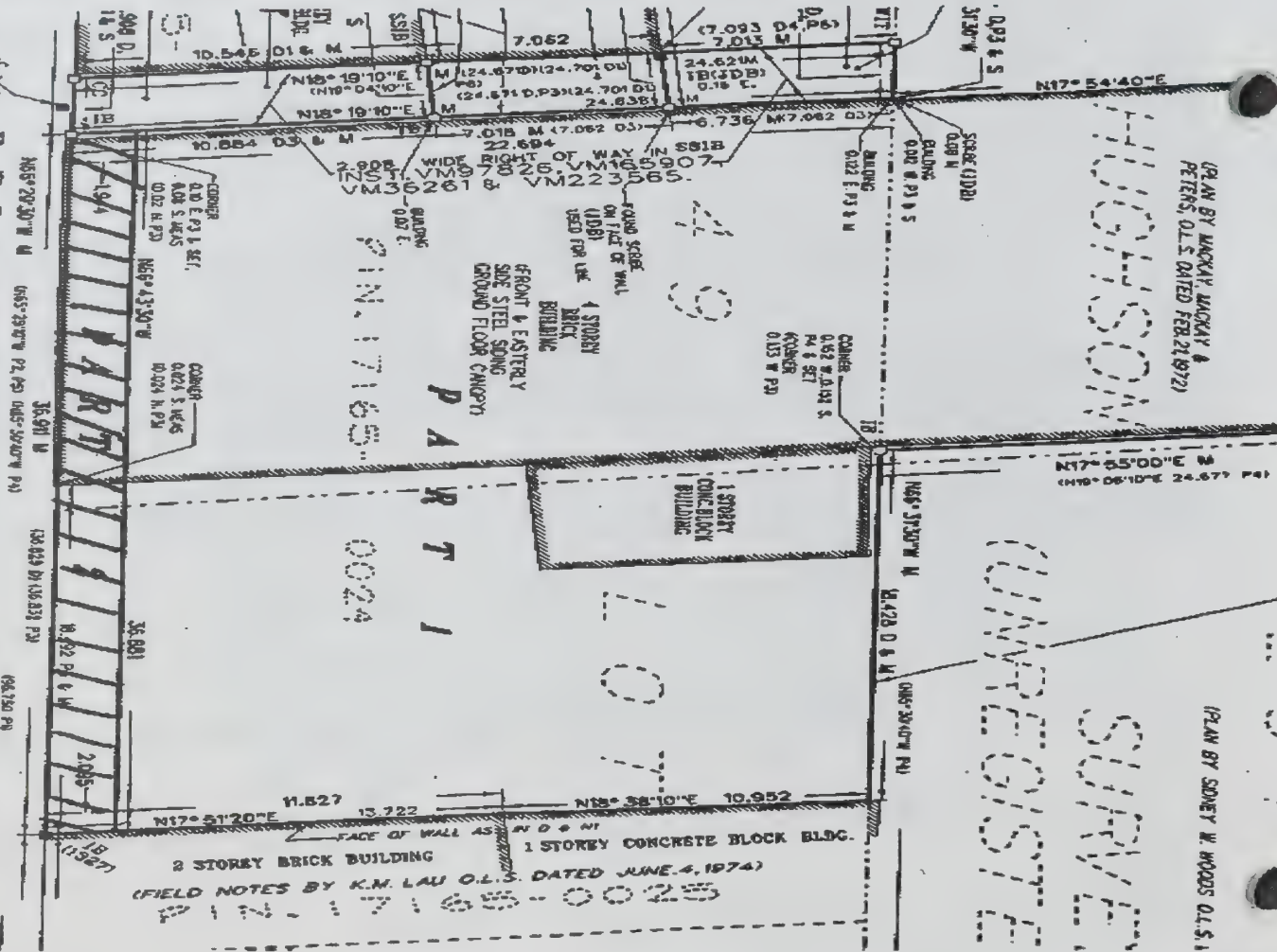
Municipal Clerk

Mayor

(BY NATHANIEL HADJISSON SURVEY, UNREGISTERED PLANO

REBECCA

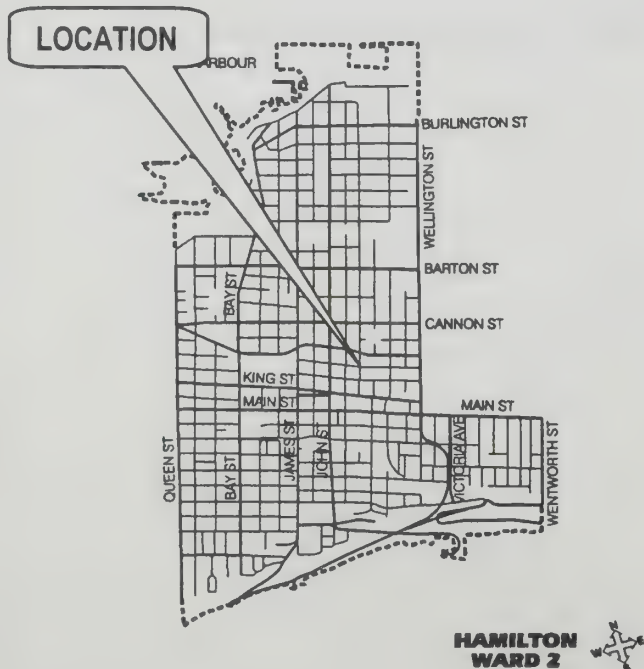
STREET P.N. 171



(PLAN BY MACKAY, MACKAY & PETERS, O.L.S. DATED FEB 21, 1972)

(PLAN BY SIDNEY W. WOODS O.L.S.)

KEY MAP



HAMILTON
WARD 2

LOCATION PLAN

11 Rebecca Street
(Part 2 on Plan 62R-15305)

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
TRANSPORTATION, OPERATIONS & ENVIRONMENT

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2000-06-15

REFERENCE FILE NO: 06-6769

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 31 (School Bus Loading Zones)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"Agincourt	West	85 feet	170 feet south of	7:00 a.m. – 6:00 p.m."
			Beach	Monday to Saturday
2. That **Schedule 35 (Wheelchair Loading Zones)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"Bayfield	West	19 feet	231 feet north of	8:00 a.m. – 6:00 p.m."
			McAnulty	
3. In all other respects, By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 4th day of July, 2000.

ACTING MUNICIPAL CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"Hess	West Peter to 75 feet south of York	1/2 hr 8 am - 8 am (24 hrs)	Mon - Sun"
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2. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Ravenscliffe East	Aberdeen to 122 feet southerly	Anytime
Ravenscliffe West	Aberdeen to 272 feet southerly	Anytime"

and by deleting therefrom the following items, namely:-

"Ravenscliffe Both	Aberdeen to 122 feet southerly	Anytime
Hess	West Peter to 75 ft. south of York	Anytime"

3. That **Schedule 27 (Alternate Side Parking)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

"East 21 st Street	West	East"
Franklin Road to the south property line of #391 East 21 st Street		

4. That **Schedule 34 (Sticker Permit Parking)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following item, namely:-

"Caroline	West commencing at a point 144 feet south of Markland to a point 17 feet southerly therefrom	Anytime"
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5. In all other respects By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.
6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 4th day of July, 2000.

ACTING MUNICIPAL CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 29 (No Stopping Areas - No Stopping Anytime)** of By-law 89-72, as amended, is hereby further amended by deleting therefrom the following items, namely:-

"Young	North James to John	4 - 6 p.m.	Mon - Fri
Young	South James to John	4 - 6 p.m.	Mon - Fri"
2. In all other respects, By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 4th day of July, 2000.

ACTING MUNICIPAL CLERK

MAYOR

3. In all other respects By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.

4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 4th day of July, 2000.

ACTING MUNICIPAL CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 98-24

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 220 DUNDURN STREET SOUTH

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-24 on the 11th day of December, 1997 to rezone the lands located at No. 220 Dundurn Street South from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" - 'H' (Low Density Multiple Dwellings – Holding) District and to establish special requirements with respect to the land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed, in accordance with the Planning Act;

AND WHEREAS Section 2 of By-law No. 98-24 provides that upon the applicant,

- (i) submitting a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE;
- (ii) submitting to the satisfaction of the Region of studies which demonstrate that the development will not be adversely affected by noise, dust and odour, and if necessary, a justifying impact assessment; and,
- (iii) submitting to the satisfaction of the Region of a noise feasibility study prepared by a qualified professional, with said study containing an investigation of the noise levels impacting the proposed development, and the necessity for noise control measures,

the 'H' symbol shall be removed by amendment to By-law No. 98-24;

AND WHEREAS, the owner has satisfied the above three conditions;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 143, approved by the Regional Municipality of Hamilton-Wentworth on the 8th day of April, 1998;

AND WHEREAS the Council of the Corporation of the City of Hamilton in adopting Item of the Report of the Committee of the Whole at its meeting held on the 4th day of July, 2000 directed that By-law No. 98-24 be amended to remove the 'H' (Holding) symbol in respect of the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 98-24, passed on the 11th day of December, 1997, to the "DE" - 'H' (Low Density Multiple Dwellings – Holding) District designation of the subject lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 98-24 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "DE" (Low Density Multiple Dwellings) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 3. of By-law No. 98-24.

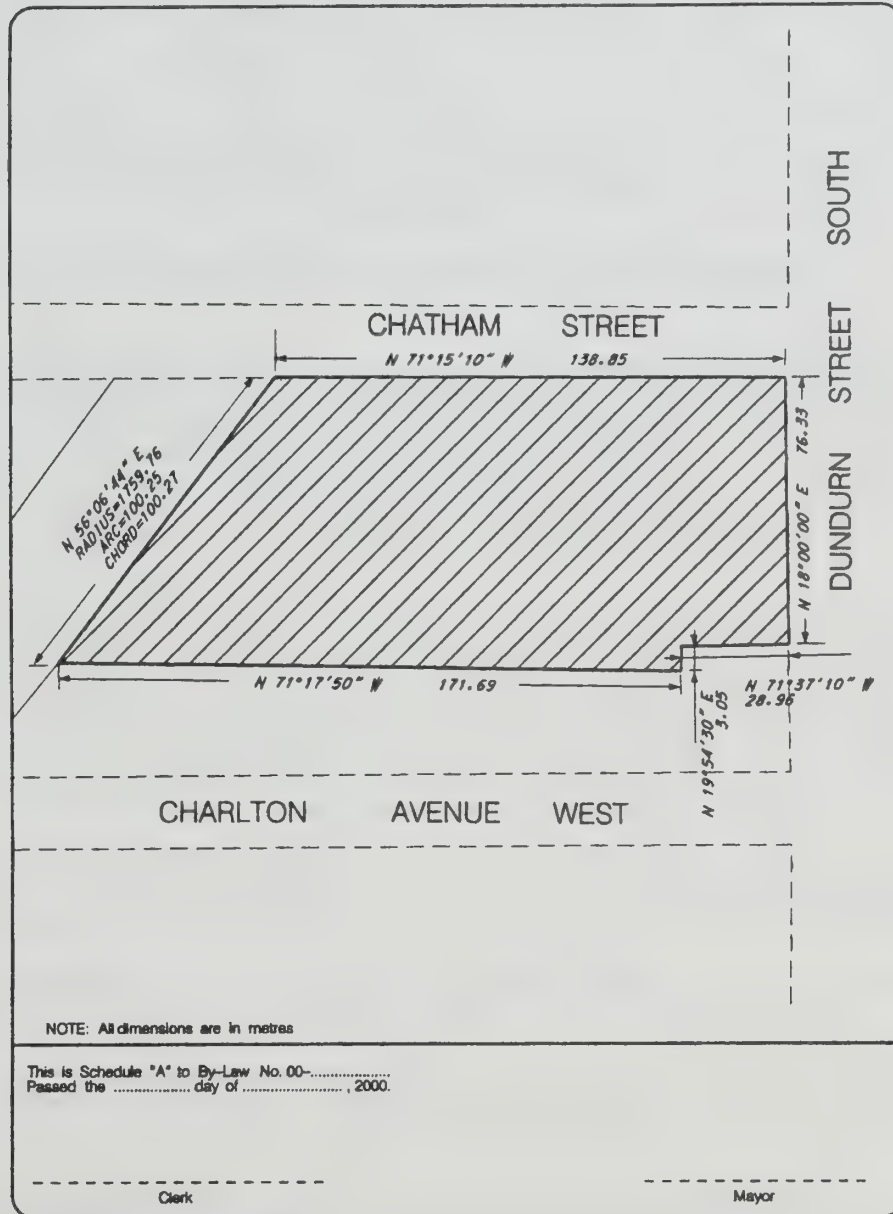
2. Sheet No. W-23 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 98-24, is further amended by changing from "DE"- 'H' (Low Density Multiple Dwellings - Holding) District to "DE" (Low Density Multiple Dwellings) District, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE" District provisions, subject to the special requirements referred to in section 3 of By-law No. 98-24.
4. By-law No. 6593, as amended by By-law No. 98-24, is further amended by adding this by-law to section 19B as Schedule S-1391a.
5. Sheet No. W-23 of the District Maps, as amended by By-law No. 98-24, is amended by marking the lands referred to in section 1. of this by-law, S-1391a.
6. In all other respects, By-law No. 98-24 is hereby confirmed, unchanged.

PASSED this 4th day of July A.D. 2000.

ACTING MUNICIPAL CLERK

MAYOR

(2000) R.C.O.W. , July 4
Adam J. Stelmaszynski (Dundurn Street Lofts Inc.)
ZAR-00-19



City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-____
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:



"DE"-H' (Low Density Multiple
Dwellings - Holding) District, modified
to "DE" (Low Density Multiple
Dwellings) District, modified

North



Scale
NOT TO SCALE
Date
June 2000

Reference File No.
ZAC-00-19
Drawn By
B. B

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended By Zoning By-law No. 99-136
Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 54 and 56 ALANSON STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 99-136 on the 28th day of September 1999 to rezone the subject lands from "D" (Urban Protected Residential One and Two Family Dwellings, etc.) District to "D" – 'H' (Urban Protected Residential – One and Two Family Dwellings – Holding) District modified and to establish special requirements with respect to the land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which By-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS Section 2 of By-law No. 99-136 provides that upon the applicant submitting a signed Record of Site Condition (RSC) to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy and completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region for the subject lands, the 'H' symbol shall be removed by amendment to By-law No. 99-136;

AND WHEREAS the Record of Site Condition (RSC) has been submitted to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and the Noise/Vibration Assessment Study has been completed;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item of Report of the Committee of the Whole at its meeting held on the 4th day of July, 2000 directed that By-law No. 99-136 be amended to remove the 'H' (Holding) symbol in respect of the subject lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 99-136, passed on the 28th day of September 1999, to the "D" – 'H' (Urban Protected Residential – One and Two Family Dwellings, etc. - Holding) District, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 99-136 and forming part thereof is hereby removed, and the development of the lands may proceed in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions of Zoning By-law No. 6593, subject to the special requirements referred to in section 3 of By-law No. 99-136.

2. Sheet No. E-14 of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1. of By-law No. 99-136, is further amended by changing from "D" – 'H' (Urban Protected Residential – One and Two Family Dwellings, etc. - Holding) District modified to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified, the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 3 of By-law No. 99-136.
4. By-law No. 6593, as amended by By-law No. 99-136, is further amended by adding this by-law to section 19B as Schedule S-1431a.
5. Sheet E-14 of the District Maps, amended by By-law No. 99-136, is amended by marking the lands referred to in section 1. of this by-law, S-1431a.
6. In all other aspects, By-law No. 99-136 is hereby confirmed, unchanged.

PASSED this 4th day of July A.D. 2000.

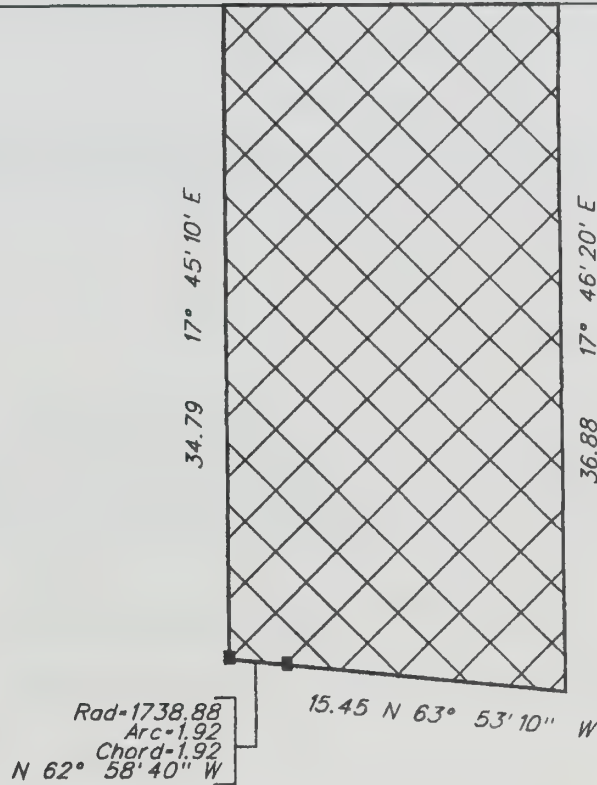
ACTING MUNICIPAL CLERK

MAYOR

(2000) C.O.W. July 4
Alanson Lofts Inc., owner
ZAR-00-20

ALANSON STREET

17.21 N 70° 41' 00" W



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-.....
Passed the day of , 2000.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-_____

to Amend By-Law No. 6593

Planning and Development Department

Legend



"D"-H (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified

North



Scale
NOT TO SCALE

Date
June, 2000

Reference File No.
ZAR-00-20

Drawn By
B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 164 LIMERIDGE ROAD EAST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

184. Land located at Municipal No. 164 Limeridge Road East, as shown on Appendix 184 hereto annexed and forming part of this by-law.

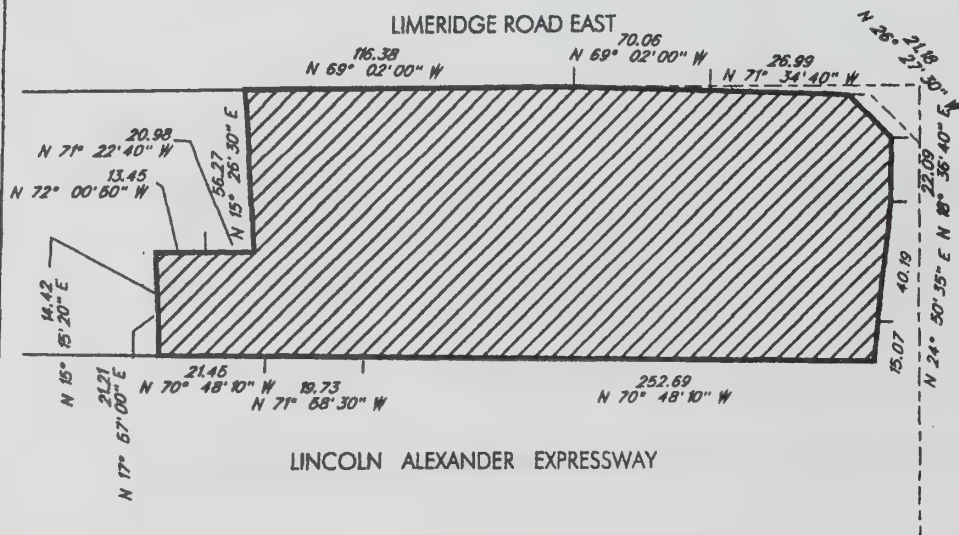
2. Appendix 184 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this 4th day of July

A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-.....
Passed the day of, 2000.

Clerk

Mayor

City of Hamilton

Appendix 184

to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Community Planning and Development Division

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North


Scale
NOT TO SCALE

Date
June 2000

Reference File No.

A-99:256

Drawn By

B. B.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

(b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and Municipal Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.
2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 4th day of July 2000, A.D.,

MUNICIPAL CLERK

MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

1) PROPERTY ADDRESS
SERIAL NUMBER
REDEMPTION DATE

57 FAIRHOLT RD. S
03 0261 5400
DECEMBER 22, 2000

BY-LAW NO. 00 - 0

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 4th DAY OF JULY, 2000.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 4th day of JULY · A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



AGENDA

CITY OF HAMILTON CITY COUNCIL

(available online at www.city.hamilton.on.ca/hccnet)

Wednesday, August 9, 2000
(immediately following the
Planning and Development Committee Meeting)
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL

URBAN MUNICIPAL

AUG 08 2000

GOVERNMENT DOCUMENTS

Susan K. Reeder, Acting Municipal Clerk

Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.

CALL TO ORDER

1. INTRODUCTORY REMARKS – Mayor R. M. Morrow
2. ADOPTION OF THE MINUTES OF THE MEETING HELD JULY 4, 2000
3. CORRESPONDENCE
4. Motion to invoke Rule 9 of the City's Procedural By-law to permit consideration of matters not reported upon by the respective Standing Committees
5. Motion to move into Committee of the Whole to permit consideration of the Reports
6. CONSIDERATION OF REPORTS
 - 6.1 Transport and Environment Committee (copy to follow)
 - 6.2 Planning and Development Committee (copy to follow)
7. Update – Hamilton Harbour
8. Notices of Motion from Previous Meeting - Alderman F. Eisenberger
9. Notice of Motion for next meeting
10. Motion to Adopt the Report of the Committee of the Whole on the Reports
11. QUESTION PERIOD
12. ADJOURNMENT

MINUTES



MINUTES

CITY OF HAMILTON CITY COUNCIL

Tuesday, July 4, 2000
10:50 a.m.
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Acting Mayor D. O'Sullivan, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, B. Morelli,
D. Haining, G. Copps, D. Wilson, C. Collins, F. Eisenberger,
T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico

Regrets: Mayor R. M. Morrow – Civic Business
Alderman R. Corsini – Civic Business

Acting Mayor O'Sullivan called the meeting to order.

ADOPTION OF MINUTES

The Minutes of the regular meeting held June 27, 2000 were adopted as circulated.

CORRESPONDENCE

1. Petition from Rob Smith on behalf of the Committee to Save Bellevue with approximately 180 signatures re: To Preserve Bellevue

Received.

2. Petition with approximately 90 signatures from residents in the vicinity of Sanatorium Road and Scenic Drive respecting the re-zoning for the south east corner of Sanatorium Road and Scenic Drive. This item is also referred to in Section C-6 of the Planning and Development Section of this Agenda.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of matters not reported upon by the respective Standing Committees.
CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to permit consideration of Item A-1 to E-1 and the Report of the Nominating Committee be now considered in Committee of the Whole with Alderman Charters in the chair.

Recorded vote.

YEAS: Acting Mayor O'Sullivan, Aldermen Kiss, Caplan, Horwath, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE
--

Section A-8 (b) Declaration of Surplus Property – 583 Upper Wellington Street – Municipal Car Park #9a

It was moved by Alderman Kelly and seconded by Alderman Anderson that sub-section (b) of Item A-8 of the Transport and Environment Committee Section be deleted in its entirety and replaced with the following in lieu thereof:

- (b) That the Real Estate Division be authorized and directed to negotiate the sale of this property to the abutting owners in accordance with the Real Property Sales Procedural By-law No. 95-049.
CARRIED.

Section A-9 Re: Referral from Regional Council - \$1,000 Permit Fee for Film and Television Production

It was moved by Alderman Anderson and seconded by Alderman Kelly that Sub-section (b) be deleted in its entirety and that sub-section (c) be renumbered accordingly.

CARRIED.

Section A-12 Re: Temporary Road Closure – Robert Street – August 25-27, 2000

It was moved by Alderman Horwath and seconded by Alderman Collins that the following be added as Section A-12 to the Transport and Environment Committee Section:

A-12 Temporary Road Closure - Robert Street - August 25-27, 2000

That the application by the Lighthouse Restaurant to temporarily close Robert Street between James Street and Hughson Street from Friday, August 25, 2000 at 6:00 p.m. to Sunday, August 27, 2000 at 11:00 p.m., to hold the second annual Lighthouse Summer Festival, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and
- (b) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and
- (d) That all barricading be supplied by and at the expense of the applicant; and
- (e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic and at the expense of the applicant; and
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City and the Region and at the expense of the event organizer; and

- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; and
- (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and
- (i) That the applicant be granted an extension to the City of Hamilton Noise By-law 79-292 to continue the music until 12:00 midnight on Friday, August 25 and Saturday, August 26, during the event, and that a City of Hamilton Noise By-law officer be in attendance, if necessary, throughout the event, at the expense of the applicant; and
- (j) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by the Lighthouse Restaurant located at 221 James Street, to serve alcohol on the road allowance of Robert Street, from Friday, August 25, 2000 at 6:00 p.m. to Sunday, August 27, 2000 at 11:00 p.m. and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event.

CARRIED.

Section A-13 Re: Proposed Unopened Road Allowance Closure – Bedford Ave

It was moved by Alderman Kelly and seconded by Alderman Anderson that the following be added as Section A-13 of the Transport and Environment Committee Section:

A-13 Proposed Unopened Road Allowance Closure – Bedford Avenue – City Initiative

That the City Initiative to stop-up, close and sell Bedford Avenue, north of Rymal Road (including two 0.305m reserves), be approved, subject to the following conditions:

- (a) That Item 23 of the 7th Report of the Transport and Environment Committee as adopted by City Council on 1990 May 08, be rescinded; and
- (b) That the Acting Commissioner of Public Works and Traffic be directed to prepare a By-law to stop-up, close and sell Bedford Avenue (including two 0.305m reserves); and

- (c) That the Acting Commissioner of Public Works and Traffic be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing pursuant to section 44 of the Regional Municipalities Act, R.S.O. 1990; and
 - (d) That a reference plan be prepared and registered under the Registry Act, said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that a reproducible copy of said plan be deposited with the Regional Surveyor; and
 - (e) That Parts 26, 27, 28, 29, 32, 33, 34, 35 and 36 on Plan 62R-12578 be confirmed/declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law 95-049; and
 - (f) That Real Estate, Legal Services Section, be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law 95-049; and
 - (g) That the Municipal Clerk be directed to publish a notice pursuant to section 300 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.
- CARRIED.**

* * * * *

Section A-14 Re: Temporary Road Closure – Hess St. S. between Main St. and King St. for the Annual Hess Village Jazz Festival

It was moved by Alderman Collins and seconded by Alderman Anderson that the following be added as Section A-14 of the Transport and Environment Committee Section:

A-14 Temporary Road Closure – Hess Street South, between Main Street and King Street, for the Annual Hess Village Jazz Festival

That the application of the Hess Village Performing Arts Association to temporarily close Hess Street between Main Street and King Street from Thursday, July 20, 2000 at 10:00 a.m. until Monday, July 24, 2000 at 10:00 a.m. to hold the Annual Hess Village Jazz Festival, be approved, subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and

- (b) That prior to the event, the applicant provide proof of \$5,000,000 public liability insurance, naming the City and the Region as an added insured party with a provision for cross liability, and holding the City and the Region harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and
- (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and
- (d) That all barricading be supplied by and at the expense of the applicant; and
- (e) That "Temporary Road Closure" signs be installed, in advance, on the affected roadways, if deemed necessary by the Acting Commissioner of Public Works and Traffic at the expense of the applicant; and
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the City at the expense of the event organizer; and
- (g) That no property owner, resident or customer within the barricaded area be denied access to their property upon request; and
- (h) That all property owners and tenants within the closure area be notified of the event by the applicant, prior to the event, in a form acceptable to the Acting Commissioner of Public Works and Traffic; and
- (i) That the AGCO be advised that the City of Hamilton is aware of the application of the Gown and Gavel for a temporary extension of its liquor licence to serve alcohol on the road allowance of Hess Street commencing on Thursday, July 20, 2000 to Sunday, July 23, 2000 from 11:00 a.m. to 12 midnight inclusive and the City has no objection to the AGCO issuance of the appropriate liquor licence for this event; and
- (j) That the applicant be granted an exemption from the City of Hamilton's Noise By-law No. 79-292 to allow music to be played until midnight, commencing on Thursday, July 20, 2000 to Saturday, July 22, 2000 inclusive and that a Noise Control Officer monitor the event and be in attendance if necessary, at the expense of the applicant; and
- (k) That amplified sound, including set up, testing and performance will not begin until 11:00 a.m. and will cease at 11:00 p.m. on all days of the week, except Sundays where the amplified sound will not begin prior to 12:00 noon and will cease at 10:00 p.m.; and

- (l) That the applicant may seek an exemption to the City's Noise By-law 79-292 to allow amplified noise to continue until 12:00 midnight but only for Thursday, Friday and Saturday nights; and
- (m) That no other music be played outside of any establishments, at any time pursuant to the City of Hamilton Zoning By-law. This includes outdoor speakers and/or live music; and
- (n) That the level of sound amplification created by the bands on the stage shall not exceed 85 db (peak) at any time and 80 db after 11:00 pm (when permitted to exceed the 11:00 pm noise by-law). These levels to be monitored at the sound stage.

* * * * *

Section A-14 Re: Hess Village Jazz Festival

It was moved by Alderman Wilson and seconded by Alderman Copps that Section A-14 of the Transport and Environment Committee, be tabled.

Recorded vote.

YEAS: Acting Mayor O'Sullivan, Aldermen Kiss, Morelli, Haining, Copps, Wilson, Jackson. -7.

NAYS: Aldermen Caplan, Horwath, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico. -8. **LOST.**

* * * * *

Recorded vote on main motion.

YEAS: Acting Mayor O'Sullivan, Aldermen Caplan, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico. -8.

NAYS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, Jackson. -7. **CARRIED.**

PARKS AND RECREATION COMMITTEE

Section B-1 Re: Alcohol in Parks

Recorded vote.

YEAS: Acting Mayor O'Sullivan, Aldermen Kjs, Caplan, Horwath, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico. -14.

NAYS: Alderman Jackson. -1 .

CARRIED.

Section B-2 Re: Alcohol in Parks

Recorded vote.

YEAS: Acting Mayor O'Sullivan, Aldermen Kiss, Caplan, Horwath, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico. -14.

NAYS: Alderman Jackson. -1 .

CARRIED.

Section B-5 Re: Gage Park - Fieldhouse

It was moved by Alderman Morelli and seconded by Alderman Wilson that the following be added as Section B-5 of the Parks and Recreation Committee:

B-5 Re: Gage Park - Fieldhouse

- (a) That the Mayor and Acting Municipal Clerk be authorized to execute a Licence Agreement and a Financing Agreement with the Friends of Gage Park/Gage Park Baseball Association in a form satisfactory to Corporate Counsel; and,
- (b) That approval be given to issue a purchase order to Lael Construction, Hamilton, in the amount of \$133,124 including \$12,000 contingency, plus \$7,924 G.S.T. for the construction of the fieldhouse at Gage Park being the lowest of three (3) tenders received in accordance with specifications C11-2900 issued by the Purchasing Division and vendor's tender; and,

(c) That the amount of \$133,124 for construction of the fieldhouse be funded as follows: \$83,124 from the Reserve for Red Hill Valley and \$50,000 to be paid by the Friends of Gage Park/Gage Park Baseball Association; and,

(d) That this recommendation be referred to the Transition Board for approval.

CARRIED.

Section B-5 (c) Re: Gage Park Fieldhouse

It was moved by Alderman Morelli and seconded by Alderman Wilson that the amount of \$83,124 as referred to in sub-section (c) of Section B-5 respecting Gage Park Fieldhouse be referred to the Finance and Administration Committee to determine the method of financing.

CARRIED.

Section B-6 Sam Manson Park – Fieldhouse Expansion

It was moved by Alderman Collins and seconded by Alderman Eisenberger that the following be added as Section B-6 of the Parks and Recreation Committee Section:

B-6 Sam Manson Park – Fieldhouse Expansion

(a) That the Mayor and Acting Municipal Clerk be authorized to execute a Licence Agreement and a Financing Agreement with the East Hamilton Soccer Club and Sam Manson Bocci Association in a form satisfactory to Corporate Counsel; and,

(b) That approval be given to issue a purchase order to G.S. Wark, Hamilton, in the amount of \$87,715 including an \$8,000 contingency, plus \$5,215 G.S.T. for the expansion of the fieldhouse at Sam Manson Park being the lowest of three (3) tenders received in accordance with specifications C11-2900 issued by the Purchasing Division and vendor's tender; and,

(c) That the amount of \$87,715 for expansion of the fieldhouse be funded as follows: \$72,715 from the Reserve for Red Hill Valley, \$10,000 from East Hamilton Soccer Club, and \$5,000 from the Sam Manson Bocci Association.

CARRIED.

PLANNING AND DEVELOPMENT COMMITTEE

Section C-6 Re: Sanatorium Road and Scenic Drive (ZAC-00-17)

It was moved by Alderman Eisenberger and seconded by Alderman Kiss that Section C-6 of the Planning and Development Committee respecting a rezoning for the south-east corner of Sanatorium Road and Scenic Drive (ZAC-00-17) be referred back.

LOST.

Section C-6 Re: Sanatorium Rd. and Scenic Dr. (ZAC-0017)

Main Motion was LOST.

Section C-9 Re: Proposed Public/Private Agreement for the Auchmar Buchanan Estate

It was moved by Alderman D'Amico and seconded by Alderman Copps that the report respecting a Proposed Public/Private Agreement for the Auchmar Buchanan Estate be added as Item C-9 of the Planning and Development Committee:

C-9 Proposed Public/Private Agreement for the Auchmar Buchanan Estate

- (a) That the Agreement of Purchase and Sale, duly executed on June 18, 1999, by the purchaser, 1333786 Ontario Ltd, and the vendor, Cervarano Developments Ltd. and V & R Investments Inc., which agreement was assumed by the City of Hamilton on October 22, 1999, for the lands known as part lot 15, Concession 4, former Barton TWP, City of Hamilton and consisting of approximately 3.55 acres, be amended by extending the closing date of this transaction from July 30, 2000 to on or before September 28, 2000. All other terms and conditions contained in the Agreement of Purchase and Sale to remain the same and that time remains of the essence.
- (b) That the date for entering into a Public/Private Agreement for the entire Auchmar property, as approved by the Planning and Development Committee at its meeting on May 18, 2000, be extended from July 7, 2000 to on or before September 22, 2000. All other terms and conditions contained in the May 18 recommendation to remain the same and that time remains of the essence.
- (c) That the Commissioner of Legal Services be authorized and directed to take the appropriate action in dealing with this matter.

CARRIED.

Section C-10 Re: Setay Investments – 1441 & 1477 Upper James Street

It was moved by Alderman Kelly and seconded by Alderman Anderson that the following be added as Section C-10 of the Planning and Development Committee:

C-10 Setay Investments – 1441- 1477 Upper James Street

That approval be given to the request by Setay Investments, owner, at 1441-1477 Upper James Street, as shown on the attached map marked as Appendix "E", for a further extension to the approval of Site Plan Control Application DA-97-30 to January 6, 2001, and that at the end of this period, if a Building permit has not been issued, the proposed development must be subject to a new Site Plan Control Application. **CARRIED.**

Section C-11 Re: Sale of Chedoke Hospital Lands - Health Sciences – Ministry of Health

It was moved by Acting Mayor O'Sullivan and seconded by Alderman D'Amico that the following be added as Item C-11 of the Planning and Development Committee:

C-11 Sale of Chedoke Hospital Lands - Health Sciences

- (a) That the Ministry of Health be notified that the Chedoke lands are being sold off piece by piece; and,
- (b) That the City request a moratorium on the sale of lands until a healthcare usage plan is developed by Health Sciences. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE

D-2. Financing for the Purchase of Two Rapid Response Units.

It was moved by Acting Mayor O'Sullivan and seconded by Alderman Wilson that Section D-2 be amended by deleting sub-section (c) and (d) and replacing it with the following recommendation entitled "Financing for the Purchase of Two Rapid Response Units, Hamilton Fire Department" be added as Section D-2: **CARRIED.**

- (c) That the \$450,000 cost of two Rapid Response vehicles be funded from the Capital Reserve for Motorized Equipment Replacement (Project ID 100040); and that the above noted reserve be repaid the \$450,000 from the Fire Department operating budget over a multi-year period; and

- (d) That the Hamilton Fire Department's three year business plan be updated for the increased reserve fund repayment; and
- (e) That these recommendations be forwarded to the Transition Board for consideration and approval. **CARRIED.**

Section D-4 Re: Amalgamation of Fire Services

Recorded vote.

YEAS: Acting Mayor O'Sullivan, Aldermen Kiss, Caplan, Horwath, Morelli, Haining, Wilson, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico. -14.

NAYS: Alderman Copps. -1.

CARRIED.

Section D-10 Re: Tax Levy By-law

It was moved by Alderman Charters and seconded by Alderman Caplan that the following be added as Section D-10 to the Finance and Administration Committee:

D-10 Tax Levy By-law

- (a) That Bill D-030 being a By-law to Levy Taxes for the Year 2000 be enacted; and,
- (b) That in the event that the approval of the Transition Board is not received for the inclusion of \$9. 0 million in revenues from the Hamilton Hydro Commission with the City's year 2000 Current Budget:
 - (i) That the Year 2000 Current Budget for the City of Hamilton, as approved on November 24, 1999 be amended to exclude revenues from the Hamilton Hydro Commission in the amount of \$9.0 million; and,
 - (ii) That the Year 2000 tax levy in the amount of \$116,423,000 be approved; and,
 - (iii) That in response to the Transition Board not approving the use of hydro revenues that Bill D-030 be rescinded and that Bill D-031 be enacted in its place. **CARRIED.**

NOMINATING COMMITTEE

RESOLUTION

Re: Hydro Restructuring Money – Transition Board – Use of Monies

It was moved by Alderman Anderson and seconded by Alderman Wilson that the Standing Committee Chairmen be directed to prepare an appropriate response regarding the \$9 million hydro restructuring money and the transition boards decision and the use of these funds to offset the City of Hamilton Tax Rate and attempt to poll members of City Council on endorsement prior to this response being sent out.

CARRIED.

NOTICE OF MOTION FROM PREVIOUS MEETING

Free on Street Parking in the Downtown Core

Alderman Collins Notice of Motion was withdrawn and the following action was subsequently moved:

It was moved by Alderman Collins and seconded by Alderman Caplan that staff prepare a report for the September 5, 2000 meeting of the Committee of the Whole (Transport and Environment Committee) to determine the financial implications of providing free on street parking in the Downtown Core for the months of November and December, 2000.

CARRIED.

NOTICE OF MOTION FROM PREVIOUS MEETING

Smoking in Public Places and the Workplace

Declaration of Interest – Alderman Horwath

Alderman Horwath declared personal interest in, took no part in the debate and refrained from voting on this matter as her husband has a restaurant.

It was moved by Alderman Eisenberger and seconded by Alderman Caplan that Sub-section (i) of Section (a) of the Notice of Motion respecting Smoking in Public Places and the Workplace to extend the date of compliance to March 31, 2001, be tabled in order that City Council, the Restaurant Association and Restaurant Owners, and the Transition Board, and the Council on Smoking and Health come together to fashion a harmonized by-law and report back by September 30, 2000.

It was moved by Alderman Copps and seconded by Alderman D'Amico that the tabling motion be amended to delete the reference to the Transition Board.

CARRIED AS AMENDED.

Motion as amended.

It was moved by Alderman Charters and seconded by Alderman Haining:

That the following amendments to By-law 98-140 be approved:

- (a) That By-law No. 98-140 respecting Smoking in Public Places and the Workplace be amended by:
 - i) extending the date for restaurants to provide designated smoking areas or to become smoke free from "May 31, 2000" in Subsection 5(2) and inserting the date of "March 31, 2001" in lieu thereof. **TABLED IN ORDER THAT CITY COUNCIL, THE RESTAURANT ASSOCIATION, THE RESTAURANT OWNERS, AND THE COUNCIL ON SMOKING AND HEALTH COME TOGETHER TO FASHION A HARMONIZED BY-LAW AND REPORT BACK BY SEPTEMBER 30, 2000.**
 - ii) removing the word "patios" from the sixth line of part (a) of the definition of "public place" under section 1 of the by-law
 - iii) inserting the following subsection (2) of Section 1 of the by-law:
 - "(2) Notwithstanding the provisions of this by-law, smoking is permitted in that part of a restaurant or the area operated as a restaurant, which part of area is an outdoor patio, and which patio lacks either a roof or walls, other than up to two walls which walls are the exterior of a wall of the restaurant."
- (b) That the appropriate by-laws to amend By-law 98-140 be passed and enacted;
- (c) That in all other respects By-law 98-140 as amended is confirmed without change

NOTICE OF MOTION FOR NEXT MEETING

Transition Board – Review Board Recommendations – Approval Process

Alderman Eisenberger gave notice that he would move at the next meeting of City Council the following motion respecting the Transition Board:

"That the Council of the City of Hamilton agree to meet with the Transition Board to review the Board Recommendations and to define an approval process to deal with the recommendations we can agree on, on or before August 30, 2000."

Private and Confidential Agenda

E-1 Unassumed Alley at 55 Melrose Avenue South

E-1 Information Report dated June 19, 2000 from Rand Roszell, Corporate Counsel respecting an unassumed alley at 55 Melrose Avenue South.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that staff report Items A-1 to E-1, the Report of the Nominating Committee, and resolutions be adopted.

Recorded vote.

YEAS: Acting Mayor O'Sullivan, Aldermen Kiss, Caplan, Horwath, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico. –15.

NAYS: -0.

CARRIED.

Note: The meeting adjourned at 1:35 p.m.

Taken as read and approved,

Acting Mayor O'Sullivan

K. C. Christenson, Acting Municipal Clerk
July 4, 2000

KCC/dg

CORRESPONDENCE

City Council
Correspondence:

1. Letter dated July 18, 2000 from Kevin Christenson, Acting Municipal Clerk advising of an objection to City of Hamilton By-law 00-084 respecting property at 130 Bay Street South

Recommendation: Be Received.

2. Letter dated July 26, 2000 from Kevin Christenson, Acting Municipal Clerk advising of an objection to City of Hamilton By-law 00-097 respecting property at 801 and 803 King Street West and 80, 86 and 90 Carling Street, Hamilton, Ontario

Recommendation: Be Received

3. Letter dated July 26, 2000 from Kevin Christenson, Acting Municipal Clerk advising of an objection to City of Hamilton By-law 00-105 respecting property at 1489 to 1523 Upper James Street, Hamilton, Ontario

Recommendation: Be Received

4. Application dated June 28, 2000 from Janet Lynn MacLennan and Kenneth Robert MacLennan, 148 Rymal Road West, Hamilton for a change in zoning from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified for the property located at the rear of 148 Rymal Road East, Hamilton, Ontario.

Recommendation: Be Received.

5. Application dated June 30, 2000 from Angelo and Leonarda Palazza and Maryann and Antonio Arolotta, 166 and 158 Stone Church Road West, Hamilton for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 158 and 166 Stone Church Road West, Hamilton, Ontario.

Recommendation: Be Received.

6. Application dated June 30, 2000 from Hi-Tech Banking Facilities Inc., (Nick Cutaia), Ancaster, Ontario for a change in zoning from "A" (Agricultural) District (Block 1) and "C" (Urban Protected Residential, etc.) District (Blocks 2 and 3) to "HH" (Restricted Community Shopping and Commercial) District for lands located south of Strawberry Drive and east of Lake Avenue and known municipally as 917-921 Queenston Road.

Recommendation: Be Received.

7. Application dated July 18, 2000 from Chedoke Health Corporation for a further modification to the "AA" (Agricultural) District Regulations for property at the Southeast corner of Chedmac Drive and Redfern Avenue, Hamilton, Ontario.

Recommendation: Be Received.

**TRANSPORT & ENVIRONMENT
COMMITTEE**

(Report to follow)

**PLANNING & DEVELOPMENT
COMMITTEE**

(Report to follow)

**NOTICES OF MOTION
FROM PREVIOUS MEETING**

NOTICE OF MOTION FROM PREVIOUS MEETING

Alderman Eisenberger gave notice that he would move at the next meeting of City Council, the following motion:

"That the Council of the City of Hamilton agree to meet with the Transition Board to review the Board Recommendations and to define an approval process to deal with the recommendations we can agree on, on or before August 30, 2000."



CAYON HBL A05
A31
2000

AGENDA

CITY OF HAMILTON CITY COUNCIL

(available online at www.city.hamilton.on.ca/hccnet)

URBAN MUNICIPAL

NOV 06 2000

GOVERNMENT DOCUMENTS

Tuesday, October 31, 2000

8:30 p.m.

**Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton**

**Kevin C. Christenson,
Acting Municipal Clerk**

Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.

***** **NOTE: CHANGE IN TIME** *****

CALL TO ORDER

1. NATIONAL ANTHEM.

2. OPENING PRAYER: Dr. Padman Jayaratne, Buddhist Faith

3. PRESENTATIONS

Janet & David Hillen – Book presentation to the Mayor

Rev. Bruce Woods & Mr. Stan Hollowell – Cheque presentation to
Greater Hamilton Food Share

Ms. Margaret Coulter, Managing Director, Atrium Villa
Mr. Rick Whinshell, Vice President of Marketing, Atrium Villa
Ms. Teresa Smith, Activity Director, Atrium Villa

**International Children's Games Executives
Chairman – Mr. John Kiriakopoulos**

Dr. Ray Johnson – Vice Chairman/Ceremonie

Mr. Phil Saresky – Administration

Mr. Val Sarjeant – Promotions

Ms. Joanne Anderson – VIP/Protocol Ms. Cathie Miller – Services

Dr. Gene Sutton – Sport Technical

Excellence in Property Awards

Rula, Westdale Village BIA
Augusta House International, Main Street West BIA
Infusions, Downtown Hamilton BIA
Black Forest Inn, International Village BIA
Campbell Glass & Mirror, Ottawa Street BIA
Siemens Westinghouse Inc., Barton Village BIA

4. ADOPTION OF THE MINUTES OF THE COUNCIL MEETINGS HELD:

- 4.1 October 10, 2000; and,**
- 4.2 October 20, 2000**

5. CORRESPONDENCE.

6. REPORTS OF THE STANDING COMMITTEES:

- 6.1 Transport and Environment Comm. – Report 15-00**
- 6.2 Parks and Recreation Committee – Report 10-00**
- 6.3 Planning and Development Committee – Report 15-00**
- 6.4 Finance and Administration Committee – Report 15-00**
- 6.5 Licensing Committee – Report 06-00**
- 6.6 Licensing Committee – Report 07-00**
- 6.7 Licensing Committee – Report 08-00 (copy to follow)**

7. NOTICE OF MOTION FOR NEXT MEETING.

8. UNFINISHED BUSINESS – (October 10, 2000 – Item 9 of Report 14-00 – Environmental Assessment Board – Scott MacDonald Marine – Herbicide)

9. QUESTION PERIOD.

10. ADJOURNMENT.

MINUTES



MINUTES

CITY OF HAMILTON CITY COUNCIL

Tuesday, October 10, 2000
7:30 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Morrow, Chairman;
Aldermen M. Kiss, M. Caplan, A. Horwath, R. Corsini, B. Morelli,
D. Haining, G. Copps, D. Wilson, C. Collins, F. Eisenberger,
T. Jackson, B. Charters, T. Anderson, B. Kelly, F. D'Amico,
D. O'Sullivan

Mayor R. M. Morrow called the meeting to order.

The National Anthem was played.

Reverend Pearl Joseph, National Evangelical Baptist Faith led Council in prayer.

PRESENTATIONS

Mayor R. M. Morrow acknowledged the following sponsors of the 2000 Hamilton Beautification Program and presented the Hamilton Beautification Awards as follows:

Sponsors

Union Gas	Landscape Ontario	Dofasco	Canadian Tire
Raincentre Irrigation	Hamilton Spectator	F. M. Page & Sons Inc.	

Award Recipients

The Pink Trillium Awards were presented to the following residents:

Ward 1	180 Dalewood Crescent	Gord & Wendy Downing
Ward 2	166 Robinson Street	Carol & Ted Adler
Ward 3	83 Cheever Street	Beryl Boax

Ward 4	192 Coronation Avenue	Lillian & Max Harbury
Ward 5	192 Montmorency Drive	Catherine Josko
Ward 6	162 Broker Drive	James & Agnes Beattie
Ward 7	133 Charing Drive	Pat & Tim Dent
Ward 8	83 Arcade Crescent	Isabel Miller

The Red Trillium Award was presented to Carol and Ted Adler, 166 Robinson Street, Ward 2.

The Commercial/Industrial Award for a small property was presented to the Victoria Nursing Home – Mr. & Mrs. Sole of 176 Victoria Avenue North.

The Commercial/Industrial Award for a large property was presented to White Chapel Memorial Gardens – Leonard Marceau, Manager; Don Bailey, Property Manager; Christine White, Gardener at 1895 Main Street West

Mayor R. M. Morrow announced that 240 property owners were presented with White Trillium Awards.

Mayor R. M. Morrow introduced and thanked the Volunteers of the Hamilton Beautification Committee and the 2000 Red Trillium Selection Committee.

* * * * *

Mayor R. M. Morrow recognized St. Peter's Hospital's 110th Anniversary. Mr. Grant Walsh, President and CEO was in attendance.

* * * * *

Mayor R. M. Morrow recognized the International Brotherhood of Electrical Workers for their 100th Anniversary. In attendance were Joseph Beattie, Business Manager, Local Union 105 and Vic Prohaska, President, Local Union 105.

* * * * *

Mayor R. M. Morrow acknowledged Tessa Kelsall who is a student from Australia visiting Hamilton.

ADOPTION OF MINUTES

The Minutes of the meetings held September 15 and September 26, 2000 were adopted as circulated.

CORRESPONDENCE

1. Letter dated September 22, 2000 from Sharon Vize, Deputy Clerk for the Town of Ancaster respecting a resolution on the Hamilton-Wentworth District School Board's Decision to Reduce School Busing.

It was moved by Alderman Eisenberger and seconded by Alderman Kelly that Hamilton City Council support the resolution of the Town of Ancaster respecting the Hamilton-Wentworth District School Boards decision to reduce school busing. **CARRIED.**

2. Letter dated October 5, 2000 from the Acting Municipal Clerk referring an item respecting Enterprise Zones from Regional Council to City Council.

Referred to the Planning and Development Committee.

3. Information Report dated October 5, 2000 from Dr. Elizabeth Richardson, Acting General Manager and Medical Officer of Health, Social and Public Health Services Division, respecting Financial Assistance to establishments to comply with restrictions on Smoking in Public Places (SPH00116).

Received.

4. Letter from Philip Castrodale, B.A., L.L.B., re: Nomination of the Honorary Vice Consul of Italy at Hamilton, Ontario.

It was moved by Alderman Corsini and seconded by Alderman D'Amico that the Mayor write to the Minister of Foreign Affairs, the National Congress of Italian-Canadians – Hamilton District, and the Italian Ambassador to Canada, to express the Council's opposition to the closure by the Italian Government of the Office of the Vice Consulate in Hamilton. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Report of His Worship Mayor R. M. Morrow be now considered in Committee of the Whole with Alderman Anderson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE – REPORT 14-00

Section 8 Re: Scott-MacDonald Lease

It was moved by Alderman O'Sullivan and seconded by Alderman Corsini that Section 8 of Report 14-00 of the Transport and Environment Committee be referred back to staff so that negotiations can be completed and report back at the next Transport and Environment Committee.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Corsini, Morelli, Eisenberger, Kelly, D'Amico, O'Sullivan. -8.

NAYS: Aldermen Kiss, Horwath, Haining, Copps, Wilson, Collins, Charters, Jackson, Anderson. -9.

LOST.

* * * * *

Section 8(a) Scott-MacDonald Lease

Recorded vote.

YEAS: Aldermen Kiss, Horwath, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson. -11.

NAYS: Mayor Morrow, Aldermen Caplan, Corsini, Kelly, D'Amico, O'Sullivan. -6.

CARRIED.

* * * * *

Section 8(b) Scott-MacDonald Lease**Recorded vote.**

YEAS: Aldermen Kiss, Horwath, Copps, Wilson, Collins, Charters, Jackson, Anderson, D'Amico, O'Sullivan. -10.

NAYS: Mayor Morrow, Aldermen Caplan, Corsini, Morelli, Haining, Eisenberger, Kelly. -7. **CARRIED.**

Section 9 Re: Herbicides

It was moved by Alderman Caplan and seconded by Alderman Haining that Section 9 of the Fourteenth Report of the Transport and Environment Committee be tabled until the next meeting of City Council in order to investigate herbicide proposed to be used.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. -15.

NAYS: Aldermen Kiss, Copps. -2. **CARRIED.**

Section 11 Re: Fercan Dev. Inc.

It was moved by Alderman Copps and seconded by Alderman Caplan that the following be added as Section 11 of Report 14-00 of the Transport and Environment Committee:

11. That the proposal put forward by Fercan Dev. Inc. respecting the proposed change to two-way street of James Street North be forwarded to Regional Council with the City's indication of support for the change of James Street north to a two-way street. **CARRIED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Collins, Eisenberger, Charters, D'Amico, -13.

NAYS: Aldermen Jackson, Anderson, Kelly, O'Sullivan. -4. **CARRIED.**

PARKS AND RECREATION COMMITTEE – REPORT 09-00

Section 3 Re: Bayfront Sign

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Morelli, Haining, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. – 13.

NAYS: Aldermen Corsini, Copps, Wilson, D'Amico. –4. **CARRIED.**

* * * * *

Section 5 Re: Mumz 'n Craft Harvest Festival

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Haining. –1. **CARRIED.**

* * * * *

Section 5 (b) Re: Mumz 'n Craft Harvest Festival – Alcoholic Beverages

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, Kelly, D'Amico, O'Sullivan. –16.

NAYS: Alderman Jackson. –1. **CARRIED.**

PLANNING AND DEVELOPMENT COMMITTEE – REPORT 15-00

Section 3 Re: Columbia International College – 1033 Main St. W. (ZAR0029)

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, O'Sullivan. 15.

NAYS: Aldermen Copps, D'Amico. –2.

CARRIED.

Section 6 Re: Removal of Holding Zone - 1780 to 1808 Main St. W.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Horwath, Corsini, Morelli, Haining, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Kelly, D'Amico, O'Sullivan. 16.

NAYS: Alderman Kiss. –1.

CARRIED.

Rule No 9 Re: Introduction of Bills C-073, C-074 and C-075 respecting the Downtown Community Improvement Plan.

It was moved by Alderman D'Amico and seconded by Alderman Copps that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of the introduction of Bills C-073, C-074 and C-075 respecting the expansion of the Downtown Community Improvement Plan.

CARRIED.

Section 10 Re: Introduction of Bills C-073, C-074 and C-075 respecting the Downtown Community Improvement Plan.

It was moved by Alderman D'Amico and seconded by Alderman Copps that Section 10 of Report 15-00 of the Planning and Development Committee be amended by adding Sub-Sections (e), (f) and (g) as follows:

- (e) C-073 A By-law to Adopt Amendments to the Downtown Hamilton Community Improvement Plan
 - (f) C-074 A By-law to Alter the limits of the Downtown Hamilton Community Improvement Project Area
 - (g) C-075 A By-law to adopt the Downtown Hamilton Community Improvement Plan for the additional districts of the Downtown Hamilton Community Improvement Project Area.
- CARRIED.**

HIS WORSHIP MAYOR R. M. MORROW – SECOND REPORT

NOTICE OF MOTION FROM PREVIOUS MEETING

It was moved by Alderman Collins and seconded by Alderman Corsini:

Re: Motion respecting Free On-street Parking in the downtown core.

- (a) That free on-street parking in the downtown core (500 metered parking spaces in the area bounded by Bay, York/Wilson, Wellington and Jackson) be offered for the months of November and December, 2000 and that the Finance and Administration Committee be requested to recommend a method of financing the lost revenues (approximately \$45,000); and,
 - (b) That free on-street parking in the downtown core be limited to 2 hours from 8:00 am to 6:00 p.m., Monday to Saturday; and,
 - (c) That the City Traffic By-law No. 89-072 be amended accordingly; and,
 - (d) That the Regional Council be requested to amend the Regional Traffic By-law R89-038; and,
 - (e) That staff report back, after consultation with various stakeholders such as the International Village and Downtown B.I.A.'s with the results of the experiment.
- CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Report of His Worship Mayor R. M. Morrow, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Horwath, Corsini, Morelli, Haining, Wilson, Copps, Eisenberger, Collins, Jackson, Charters, Anderson, Kelly, D'Amico, O'Sullivan. -17.

NAYS: -0.

CARRIED.

Note: The meeting adjourned at 9:45 p.m.
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Taken as read and approved,

**MAYOR R. M. MORROW
CHAIRMAN**

**K. C. Christenson, Acting Municipal Clerk
October 10, 2000**

KCC/dg



MINUTES

CITY OF HAMILTON CITY COUNCIL

Friday, October 20, 2000
6:00 p.m.
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. M. Morrow;
Aldermen M. Kiss, M. Caplan, R. Corsini, D. Wilson, G. Copps,
F. Eisenberger, B. Charters, D. O'Sullivan

Regrets: Alderman A. Horwath - Sick
Alderman B. Morelli - Family Business
Alderman D. Haining - Other Business
Alderman C. Collins - Other Business
Alderman T. Jackson - City Business
Alderman T. Anderson - Other Business
Alderman B. Kelly - Other Business
Alderman F. D'Amico - Other Business

Mayor R. M. Morrow called the meeting to order.

It was moved by Alderman Kiss and seconded by Alderman Caplan that Council move into Committee of the Whole to consider a resolution respecting the Hamilton Harbour Commission with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Corsini, Wilson, Copps,
Eisenberger, Charters, O'Sullivan. -9.

NAYS: -0.

CARRIED.

RESOLUTIONS

It was moved by Alderman Charters and seconded by Alderman Caplan:

- (a) That the Mayor and Acting Municipal Clerk be authorized and directed to execute the attached Agreement between the Corporation of the City of Hamilton and the Hamilton Harbour Commissioners upon the Hamilton Harbour Commissioners ratifying these same documents before October 26, 2000; and,
 - (b) That City Officials be authorized and directed to execute the necessary documents in a form satisfactory to the Director of Legal Services and McCarthy Tetrault to implement the attached agreement between the Corporation of the City of Hamilton and the Hamilton Harbour Commissioners; and,
 - (c) That this recommendation be forwarded to the Transition Board for their approval.
- CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the following Bill be adopted, signed sealed and enrolled as a By-law:

D-041: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Resolution and By-law respecting the Hamilton Harbour Commission and Confirming By-law, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Corsini, Wilson, Copps, Eisenberger, Charters, O'Sullivan. -9.

NAYS: -0.

CARRIED.

Note: The meeting adjourned at 7:30 p.m.

Taken as read and approved,

Mayor R. M. Morrow

**K. C. Christenson, Acting Municipal Clerk
October 20, 2000**

KCC/dg

SCHEDULE . AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

THIS AGREEMENT, made this __ day of October, 2000

Between:

The Corporation of the City of Hamilton (the "City of Hamilton")

and

The Hamilton Harbour Commissioners (the "HHC")

Whereas:

a) In view of the long standing areas of disagreement between the City of Hamilton and the HHC, the parties commenced negotiations in an attempt to reach a full and final resolution of all litigation, actions and disputes between the parties. The parties recognize it is not in their interests to declare conquest or further challenge the legitimacy of the other party's claims.

b) The parties recognize continued litigation is not in the best interests of the City of Hamilton, the HHC, the Federal Government or the taxpayers of the community and the country. This Agreement is an attempt to advance harmonious relations, and to recognize the enormous benefits to be gained by balancing the various interests and needs that are served by Hamilton Harbour.

c) The Hamilton Harbour is a resource that serves both economic and social needs. It is recognized as a vital contributor to the success of industry, recreation, transportation, wildlife, shipping, navigation and the natural environment. This Agreement, in addition to settling existing disputes, provides a framework and a vision for future harbour developments. It is a vision that seeks to assist in providing a balance between industrial uses and other uses. We accept the premise that Hamilton Harbour should serve this diversity of needs of the community and the country at large.

d) HHC has, with the cooperation of the parties and the assistance of Nesbitt Burns, completed a review of the financial impact of this Agreement which review has provided HHC with the reasonable financial assurances it required as to its ability to afford this Agreement prior to executing this Agreement.

-2-

e) This Agreement, while providing a statement for the future, is also meant to assist and guide the new Port Authority for Hamilton Harbour to commence its work free of litigation in a spirit of goodwill and understanding. It is for these objectives that the parties have agreed to adopt a Charter for their relationship substantially in accordance with the attached Schedule 1.

1. Windermere Basin

- a) All the lands and lands under water encompassing the area of Windermere Basin shown on the attached Schedule 2A shall be conveyed to the ownership of the City of Hamilton, except for the portion of the lands shown as Part 3 thereon which are shown on the attached Schedule 2B.
- b) Prior to the conveyance of the Windermere Basin lands and lands under water to the City of Hamilton, HHC will terminate any and all leases affecting the lands to be conveyed. HHC will hold the City of Hamilton harmless from and against any claims, and from any costs and expenses arising in connection with the termination of any such leases.
- c) The parties mutually agree to introduce before City Council a zoning-by-law amendment with respect to the defined area of Windermere Basin, so conveyed to the City of Hamilton as outlined herein, to provide that it be zoned and maintained by the City of Hamilton as green and open space.
- d) The parties mutually agree to introduce before City Council a zoning-by-law amendment to provide for:
 - i) the "K" zoning on the defined areas outlined herein, on the south side of Windermere Basin lands and water; and
 - ii) with respect to the north-west section of Windermere Basin retained by HHC, a modified F-4 zoning in accordance with the attached Schedule 3.

HHC agrees that, in the event that Council of the City of Hamilton adopts the zoning by-law amendment for these lands in this paragraph and the preceding paragraph c), HHC will not challenge such modified zoning and will comply with the same in respect of these lands.

- e) With the transfer to the City of Hamilton of the Windermere Basin lands and lands under water, the parties agree that HHC will no longer have any responsibility for

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maintenance, dredging and greenscape development of the Windermere Basin lands and lands under water. Dredging of the Windermere Basin will be undertaken by the City of Hamilton in a timely manner to ensure the build-up of sediment will not impinge upon the shipping, navigation and transportation needs of the harbour's operations. HHC acknowledges and agree that the City will be permitted to deposit dredgeate in the prepared cell on the western edge of Windemere basin, including encroachment on adjacent HHC lands.

2. Eastport

- a) Further to the commitment of the City of Hamilton and HHC to the economic development of the region, the provision of jobs and the maintenance and enhancement of the environment, in addition to its own process for the approval of projects generally, the HHC agrees to implement a site plan approval process for Eastport. In particular, the HHC's site plan approval process shall include the following features:

- i) the proponent shall be required to submit to the City of Hamilton an application for site plan approval;
- ii) the HHC's site plan control process shall provide for the receipt and consideration by HHC or its designee of a report by the City of Hamilton, which report may include (1) comments received by the City of Hamilton from other agencies to whom the proposal may be circulated by the City of Hamilton, and (2) recommendations with respect to matters that would otherwise be the subject of site plan approval by the City of Hamilton including overall site design, siting of buildings, grading, access and landscaping;
- iii) if the report by the City identifies a community impact, the project review process shall include a public information and consultation process, including a public meeting relating to the proposal and, where requested by the City or the proponent, provision for referral to an independent review panel (the "Panel") to make recommendations to HHC with respect to the proposal.

The City of Hamilton agrees, to the extent possible, to adapt its usual Site Plan Approval process to such project review process. HHC agrees that in the event that the HHC refuses to accept and be bound by any final recommendation with respect to site plan control matters of a Panel, HHC will not challenge the jurisdiction of the Ontario Municipal Board to hear any appeal regarding such site plan control recommendations, provided that (a) this process shall not derogate from the rights and immunities of HHC with respect to any land use restrictions imposed by the City of Hamilton or the project review process which attempt to prohibit or regulate the use

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of these lands for purposes of navigation and shipping and (b) provided that the City of Hamilton does not attempt to use site plan control requirements in a colourable manner to prevent development of Eastport. The parties adopt wholeheartedly a "Good Neighbour Policy".

- b) The HHC undertakes to develop the Eastport lands by incorporating an increased level of berming, vegetation and quality landscaping, either independently or in concert with port tenants. In aid of this objective, HHC agrees to spend an additional \$50,000 annually, over and above its current capital expenditure budget, to be reviewed after 5 years.
- c) The HHC shall develop a second public parkette along Eastport for harbour viewing purposes and both parkettes shall be publicly accessible.
- d) The parties agree to adopt a higher standard of landscaping and improved aesthetic developments on Eastport, including reasonable view protection guidelines having regard to the best practices adopted by other port authorities in Canada.
- e) All of the above contemplated improvements shall be presented as a component of a master development plan, complete with visuals, costing and staging to be presented to the public for comment and consideration. Nothing herein is intended to derogate from and nothing herein shall be construed as derogating from the provisions of section 48 of the *Canada Marine Act*, in respect of land-use plans of port authorities.

3. West Harbour

- a) The HHC agrees to convey to the City of Hamilton the waterlots in Pier Sites 1, 2, 3, & 4 as highlighted on Plan 62R-15142 attached hereto as Schedule 4. The parties agree that the conveyance of these waterlots shall be subject to (a) restrictive covenants prohibiting any development of the lands of the waterlots currently under water other than in accordance with the West Harbour Development Plan and (b) the public's right of navigation over navigable water.
- b) In addition, the HHC agrees to convey to the City of Hamilton the lands, piers, and waterlots, in Piers 5, 6, 7, and that part of 8, as defined on the attached Schedule 5, together with all buildings and fixtures, and operating assets related to the marina and sailing school owned by the HHC thereon.

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- c) The City of Hamilton will lease back to the HHC the lands, piers, waterlots, slips, operations and buildings, and operating assets generally associated with the lands defined on the attached Schedule 5, for \$1.00 per year for a term of fifteen years on the terms attached hereto as Schedules 6A and 6B.
- d) Upon the termination of the leases referred to in paragraph 3(c) above, the City of Hamilton agrees to offer employment to up to 15 of those of the current HHC employees listed on the attached Schedule 7 employed primarily on or in connection with the leased-back properties at the date of this agreement, who remain so employed as at the termination of the lease, with the City of Hamilton or its designee and upon comparable salary, benefits, terms and conditions, including those with respect to seniority. With respect to any bona fide replacements of up to 15 of the employees listed on the attached Schedule 7 employed on or in connection with the leased-back properties as at the termination of the lease, the City of Hamilton shall have the option either (A) to offer employment in the same manner and on the same terms as above, or (B) to indemnify the HHC in respect of any statutory or common law termination or severance entitlement due to such replacement employee based upon the salaries disclosed in the attached Schedule 7, adjusted for inflation and reasonable market changes.
- e) With respect to the remaining Pier 8 lands,
 - i) Northwest Section: subject to any prior leasehold interests, HHC will convey to Parks Canada, subject to the contractual right of the City of Hamilton described below, land sufficient for the development of an interpretive centre, not to exceed 8.25 acres subject to the following conditions:
 - (1) HHC shall commit financing for the construction of enhanced port facilities on Eastport in an amount of no less than \$15,000,000;
 - (2) in the event that the construction of the interpretative centre facility by Parks Canada is not completed on or before that date which is 36 months from the date of termination of any existing leases or such other date as the parties may agree, the City of Hamilton shall have a right to exercise its right of first refusal to purchase the land, in accordance with the agreement between the City of Hamilton, HHC and Parks Canada with respect to the interpretative centre, a copy of which is attached as Schedule 8;
 - (3) if the land is conveyed to the City of Hamilton, then the City of Hamilton shall lease it back to HHC for the remainder of the same term and on the same conditions as the lease-back in paragraph 3(e)(ii) below;
 - (4) docking by commercial vessels along the northern perimeter of that part of Pier 8 conveyed to Parks Canada under this paragraph shall be permitted for

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the purposes of queuing to load and unload such vessels, all in accordance with the agreement between the City of Hamilton, HHC and Parks Canada with respect to the interpretive centre and the siting and operation thereof, a copy of which is attached as Schedule 8; and (5) restrictive covenants in favour of the City of Hamilton and other surrounding landowners requiring Parks Canada to use the lands only for an interpretive centre.

- ii) Balance of Pier 8: HHC will convey the remaining Pier 8 lands shown on Schedule 9 to the City of Hamilton if the conveyance to Parks Canada in paragraph 3(e)(i) is completed; provided that the City of Hamilton leases back to the HHC the said lands, piers, waterlots, slips, operations and buildings generally associated with that part of Pier 8, for \$1.00 per year for 25 years, subject to review by the parties every five years for determination of whether or not any portion of this part of Pier 8 continues to be used for shipping and navigation purposes. In the event that no portion of the lands is being used for such purposes, the lease-back shall terminate on the review date. In the event of disagreement between the parties on any fifth anniversary review of the use of Pier 8 over whether or not any portion of this part of Pier 8 continues to be used or has commercially reasonable prospects for being used for shipping and navigation, the matter shall be finally resolved, in accordance with the *Commercial Arbitration Act*, R.S.C. 1985 c. 17 (2nd. Supp.), as amended, by a single arbitrator appointed by the parties. During the lease back period HHC agrees not to construct any new facilities on Pier 8 without the consent of the City of Hamilton.
- f) The HHC will be responsible for all maintenance and repairs to the properties referred to in e)ii) during its leases, subject to reasonable wear and tear and in accordance with HHC's past practices.
- g) If any capital works are undertaken by HHC on any parts of Piers , 7 or 8, such works will be performed by the HHC and shall be subject to the consent and approval of the City of Hamilton. Cost sharing and design plans shall be agreed between the parties.
- h) The HHC shall have the right to cancel the leases-back with respect to Piers 6, 7, and part of 8 at any time upon the serving of one year's notice to the City of Hamilton.
- i) With respect to the portions of Piers 6, 7 and that part of 8 as defined herein, while it is a lessee of that property, HHC will have a right to sublease premises currently being leased by HHC to any existing tenants including the Police Services Board.

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Any new subleases to new tenants shall be subject to the consent and approval of the City of Hamilton. With respect to any other part of Pier 8 leased back to HHC, HHC shall have a right to sublease to parties engaged in shipping and navigation activities without the requirement for the consent of the City of Hamilton.

- j) The HHC undertakes at its reasonable expense to enhance the public view of the harbour by removing sheds 1 and 2 backing on Marina Drive (Guise Street), and landscape an area to be defined along Guise Street, in accordance with plans prepared by the HHC and approved by the City of Hamilton.

4. Harbour Development Trust

The parties agree that it is in their mutual interests to further enhance the West Harbour lands and to improve the lands in and around the East End gateway to the harbour that are shown on the map attached as Schedule 10 hereto, through projects such as the Waterfront Trail. Accordingly, the parties agree to establish the Hamilton Harbour Development Trust (the "Trust") for the development of these lands, on the following terms.

- a) HHC shall appoint one member to the board of trustees of the Trust and the City of Hamilton shall appoint four members to the board of trustees of such Trust.
- b) HHC agrees to contribute to the Trust the entire sum of \$6,300,000, forthwith upon fulfilment of all conditions hereto.
- c) In respect of the \$6,300,000 in funds contributed by HHC, the parties agree that the Trust shall be bound to use: \$5,000,000 for improvements to Windermere Basin, for land assembly and development costs related to the East End Gateway or West Harbour Development Plan, and for the Waterfront Trail; and \$1,300,000 solely for the Waterfront Trail.
- d) The parties further agree that the terms of the Trust shall permit contributions by parties other than the HHC to be used for purposes other than the development of lands specified in this section.

5. General

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- a) The parties agree to negotiate in good faith and to enter into definitive agreements, transfers and other documents necessary to give effect to this Agreement by November 10, 2000. Time shall be the essence of this Agreement, and the parties recognize and agree that the spirit and intent of this Agreement shall be the guiding principle in the implementation of the Agreement.
- b) Notwithstanding any other provision in this Agreement, the parties agree that it is not their intention to restrict or limit the jurisdiction or rights and obligations of the respective parties under applicable legislation or the constitutional authority of the parties, including that of the HHC with respect to shipping and navigation in the Hamilton Harbour and that of the City of Hamilton with respect to land use planning, and any agreements made further to this proposal will clearly state their mutual intentions in this regard. Nothing herein is intended to derogate from and nothing herein shall be construed as derogating from constitutional authorities applicable to the parties or from the rights and obligations of the parties under applicable legislation.
- c) The City of Hamilton accepts all properties offered herein on an "as is" basis. The HHC makes no warranty with respect to the environmental condition, and no warranty of title on the properties herein.
- d) The obligations of the parties under this Agreement are conditional upon
 - i) the passage by HHC (or its successor) and by the Council of the City of Hamilton of such legislative instruments, including zoning or other by-laws, as are contemplated by this agreement or otherwise required for its effective implementation;
 - ii) the receipt by the parties of comprehensive mutual Releases signed by the parties releasing each other from all causes of action and demands they now have, may have or could ever have with respect to events occurring up to the present time with respect to any claims that have or could have been made in the Superior Court action under Court File No. 4820/89 between the parties hereto and the Attorney General of Canada whether those claims be based upon events occurring prior to or following the present time or whether those claims be in respect of lands held now, formerly held, or that are subsequently acquired by HHC or any successor to HHC; and
 - iii) the receipt by the City of Hamilton of executed Agreements with respect to rights of first refusal respecting the lands formerly conveyed by the City of Hamilton to the HHC comprising those portions of Pier 9 and Pier 10 and the

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bed of Hamilton Harbour referred to in Schedules 11 and 12 hereto, respectively.

- iv) the execution by all parties of Minutes of Settlement in the form attached hereto as Schedule 13, and the fulfilment of all conditions thereunder and receipt by HHC of the sum of \$21,300,000 from the Federal Government.
- v) compliance with the *Ontario Planning Act*.

- e) HHC and the City of Hamilton will conclude agreements by the closing of this Agreement and all ancillary agreements hereto which is scheduled for early November 10, 2000, including: (i) the grant by HHC to the City of Hamilton of easements for outfalls as provided in Plan 62R-13804 (Catherine Street and Ferguson Ave), Plan 62R-14572 (Wellington Street), Plan 62R-14905 (Wentworth Street), Plan 62R-14904 (Hillyard Street), Plan 62R-14397 (Birch Ave.) and Plan 62R-13520 (Strathearne Ave.) on the terms which have been settled between the parties; (ii) the quitclaim by HHC to the City of Hamilton of the strip of land (25 feet more or less) which may be adversely possessed by the HHC under the Skyway Bridge as shown on Plan 62R-15136; and (iii) the grant by the City to HHC of the portion of Ship Street identified in Schedule 14.
- f) The HHC covenants and agrees with the City of Hamilton that it will not permit any use or authorize or approve any lease of HHC lands for purposes of an animal rendering plant, and agrees to appropriate zoning changes or to the registration of appropriate instruments to give effect to this commitment. This commitment is not intended and shall not be applied to prevent the continuation of any existing use or tenancy.
- g) All areas so defined in this proposal shall be surveyed by the parties to precisely set the exact boundaries of lands so conveyed.
- h) Legal counsel for the HHC or its successor shall draft the releases, deeds and ancillary agreements contemplated hereby for review and comments by the City of Hamilton's legal counsel.
- i) Unless and until all conditions to this Agreement have been satisfied or waived, this Agreement is without prejudice to the positions and claims of the parties in the Superior Court Action under Court File No. 4820/89 between the parties hereto and the parties hereto agree that this Agreement will not be introduced into evidence or

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referred to in those proceedings or otherwise used to advance or prejudice the positions of the parties to those proceedings.

In witness whereof the parties hereto have signed and delivered this Agreement this ____ day of October, 2000.

The Corporation of the City of Hamilton, by:

c/s

The Hamilton Harbour Commissioners, by:

c/s

\\ODMA\PCDOCS\TDO-MCTET\3508039\1
28 June 2000

Charter

*For the Relationship Between the City of Hamilton
and the Hamilton Harbour Commissioners*

SCHEDULE 1 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

Whereas the Hamilton Harbour Commissioners (Port) is a major employer and economic generator within the Hamilton region and a major port contributing to Canada's economy. And Whereas the City of Hamilton (City) provides municipal services and access, essential to the effective operation of the Port, and manages development adjacent to the Port. And Whereas the City and the Hamilton Harbour Commissioners are both committed to the economic development of the Hamilton region, the provision of jobs, the efficient movement of goods and people, and the maintenance and enhancement of the environment, natural features of harbour lands, and the provision of water related recreational opportunities, and appropriate commercial development. Therefore the City and the Port acknowledge the importance of each to the other, and the necessity for a good working relationship between the two bodies, and commit to this Charter to guide that relationship.

1. The Port and the City each acknowledge the independence of the other, and the obligation of each to act in a manner consistent with its enabling legislation and obligations.
2. The Port Corporation and the City commit to continuing effective communications on matters of interest to both parties, including but not limited to notice to each other and consultation on physical developments and management policies which may affect the other.
3. The Port Director of Hamilton Harbour and the City Manager of the City will arrange joint meetings of their respective management teams at least annually, and additionally when appropriate, to review the relevant plans of the two organizations to determine where there may be issues requiring resolution and areas where the two organizations may be mutually supportive.
4. Following the annual meeting of staffs from the two organizations, the Hamilton Harbour Commissioners Board and City Council will receive reports from their officials and give direction as each may deem appropriate on issues requiring action by staff to support the joint interests of the two organizations.
5. Upon the signing of this charter the two organizations agree to arrange for the exchange of each other's senior planners for placement in one another's offices for a six month period. At the end of six months each planner shall return to their respective former position.
6. In the event of disagreement, the City and Port Corporation agree to rely on a dispute resolution procedure involving:
 - In the first instance, a joint review by the Port Director and the City Manager.
 - If the review by the Port Director and the City Manager is unsuccessful in resolving the dispute, a joint review by a committee consisting of the Mayor, two members of City Council and the City Manager, the Chair of the Commissioners, the two other Commissioners and the Port Director.
 - If this is unsuccessful, mediation/arbitration by an independent board, with one member appointed by each of the Port Corporation and City, and the third member, who shall be the Chair, appointed by the two members.

7. Where legally possible, the City and Port Corporation agree to be bound by the conclusions of the arbitration where either the City or the Port Corporation cannot be bound by the rulings of a third party, neither shall be bound, but both undertake to give the recommendations from the process due consideration.
8. On matters requiring formal agreement between the two parties, the City and the Port Corporation agree to pursue simplified legal agreements relying on the dispute resolution procedure set out above.
9. The City and the Port Corporation agree to work together in the following areas of mutual interest, and insofar as their separate interests and obligations may permit, the development or mutually agreed plans to further these objectives:
 - promotion of the business of the port
 - enhancement of the marine environment
 - provision of access to the waterfront and activities of the Port for citizens where this is consistent with the work of the Port
 - effective management of the use of the harbour, including recreational use where this is consistent with the work of the Port
 - provision of effective road and rail access and utility services for the efficient operations of the Port
 - provision of access to water and necessary City utility services
 - provision of effective policing and emergency services in the Port and adjacent area of the City, including emergency planning and disaster response
 - ensuring that development on port lands is compatible with both the economic development of the Port and the interests of the City
 - ensuring effective public consultation on significant decisions relating to Port and adjacent city lands.

Dated the _____ day of _____ 1999

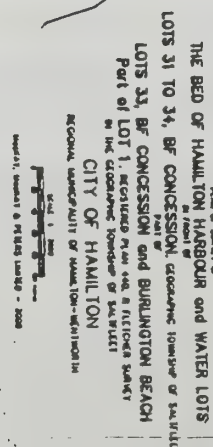
Mayor, City of Hamilton

Chair, Hamilton Harbour Commissioners

City Manager, City of Hamilton

*Port Director,
Hamilton Harbour Commissioners*

SCHEDULE 2A.



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 212. PRELIMINARY
 213. DATE _____
 214. NAME _____
 215. GRADE _____
 216. PRELIMINARY
 217. DATE _____
 218. NAME _____
 219. GRADE _____
 220. PRELIMINARY
 221. DATE _____
 222. NAME _____
 223. GRADE _____
 224. PRELIMINARY
 225. DATE _____
 226. NAME _____
 227. GRADE _____
 228. PRELIMINARY
 229. DATE _____
 230. NAME _____
 23

& Meos.)

1.786 Acres 0.723 Hectares

181st
Fowler Ave

1151.

No.

143685 (1995)

AREA: 2.232 Acres
0.905 Hectares

AREA: 2.232 Acres
0.903 Hectares

Part 3

SCHEDULE 2B

Schedule 3

MODIFIED F-4 ZONING

SCHEDULE 3 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

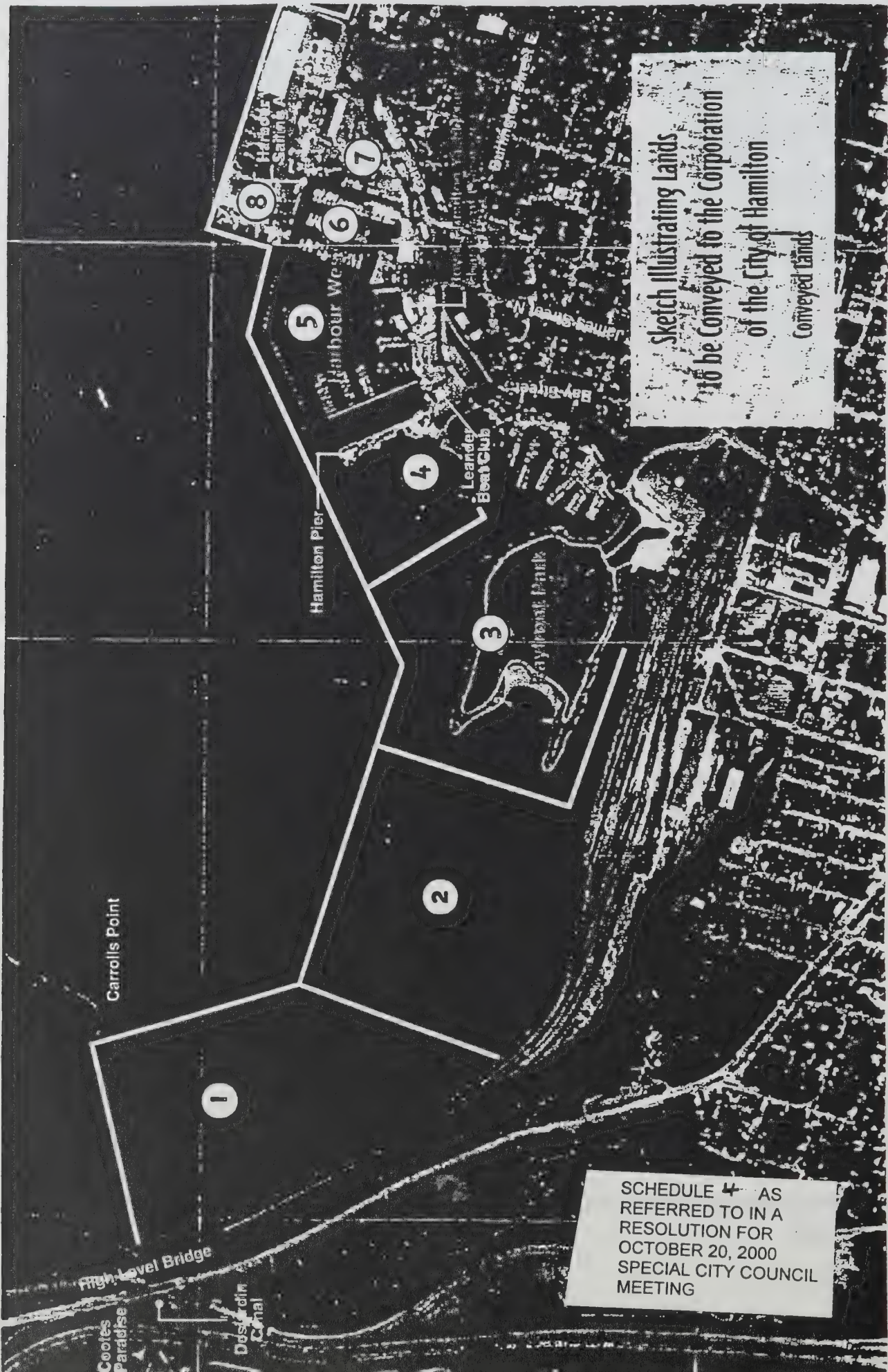
The following uses shall be permitted in the modified F-4 Zoning referred to in paragraph 1(d)(ii) of the Proposal:

1. Ferry Industry;
2. Marine Towing Industry;
3. Ship Chartering Industry;
4. Other Water Transport Industries;
5. Marine Cargo Handling Industries;
6. Harbour and Port Operation Industry;
7. Marine Salvage Industry;
8. Piloting Service, Water Transport Industry;
9. Marine Shipping Agencies Industry;
10. Other Service Industries Incidental to Water Transport;
11. Shipbuilding and Repair Industry;
12. Boat building and Repair Industry;
13. Labour organizations;
14. General Freight Trucking Industry;
15. Forest Products Trucking Industry;
16. Other Truck Transport Industry;
17. Used Goods Moving and Storage Industry;
18. Freight Forwarding Industry;
19. Other Service Industries Incidental to Transportation, n.e.c.;

20. Refrigerated Warehousing Industry;
21. Other Storage and Warehousing Industries, n.e.c.;
22. Other Products, n.e.c., Wholesale limited to Chandlers;
23. Customs Broker;
24. Restaurants;
25. Take-Out Food Services;
26. Caterers;
27. Taverns, Bars and Night Clubs;
28. Hydraulic Cement Industry;
29. Redi-Mix Concrete Industry;
30. Chandler engaged in supply or outfitting of boats;
31. Bank, trust company or credit union;
32. Marine-related commercial school;
33. Sale and rental of recreational equipment including the charter or rental of boats, canoes or bicycles, but not motorcycles and snowmobiles;
34. Accessory business office;
35. Laboratory;
36. Boat Rental and Marina;
37. Ticket and Travel Agencies;
38. Tour Wholesaler and Operators;
39. Shipping, Transshipping and Distribution Depot;
40. Motor Vehicle and Equipment Repair Shop except paint and auto body repair shop;
41. Day Nursery;

42. Research Establishment/Laboratory;
43. Telecommunications Broadcasting Industry;
44. Heliports and Seaplane Operations;
45. Postal and Courier Service Industry;
46. Clothing industry;
47. Paper Box, Bag and other converted paper products industry;
48. Printing, publishing and allied industry;
49. Fabricated metal products industry;
50. Electrical products industry;
51. Scientific and professional equipment industry;
52. Jewellery and precious metal industry;
53. Sporting goods and toy industry;
54. Sign and display industry;
55. Light manufacturing and assembly industry;
56. Trade contracting industry;
57. Truck, machinery and equipment sales, rental and repair;
58. Textiles and textiles products industries;
59. Fruit and vegetable industry other than processing;
60. Dairy products industry other than processing;
61. Bakery products industry;
62. Millwork industry;
63. Wooden buildings industry;

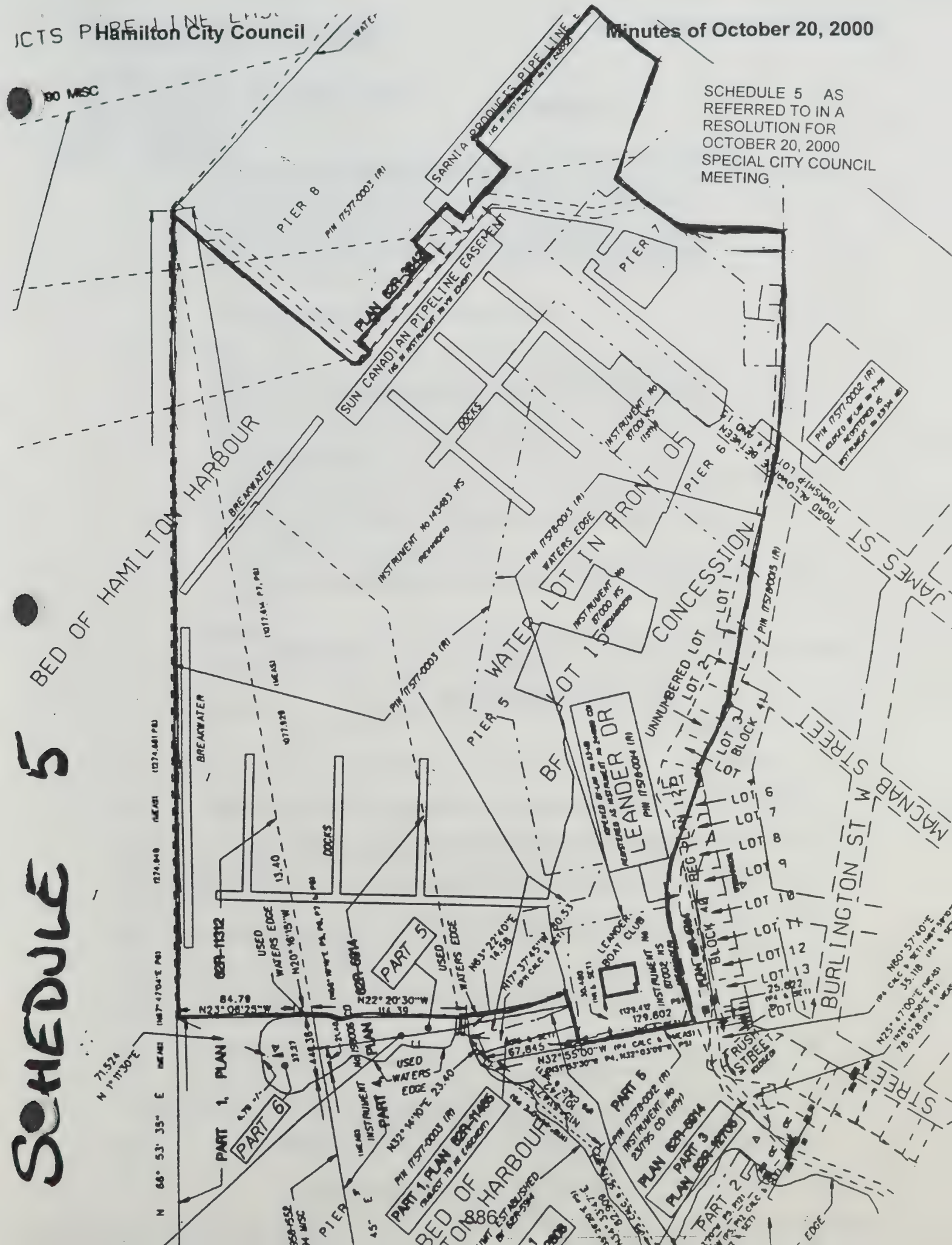
64. Wood products factory;
65. Furniture industry;
66. Machinery industry;
67. Transportation equipment industry;
68. Electronic products industry;
69. Clay products industry;
70. Concrete products industry;
71. Glass products industry;
72. Small metal wares factory;
73. Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts, gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees, spices and specialty foods, imported goods bazaar, fish or antiques;
74. Amusement parks;
75. Establishments for the sale of bait;
76. Service industries;
77. Accessory Uses
 - (a) Accessory building, structures or uses.
 - (b) Business Identification Signs that are Ground Signs, Wall Signs, or Roof Signs of an occupancy or use of the land on which the sign is situate.



Sketch Illustrating Lands
to be Conveyed to the Corporation
of the City of Hamilton
Conveyed Lands

SCHEDULE 4 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

SCHEDULE 5 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING



GROUND LEASE

Draft: October 18, 2000

SCHEDULE 6a AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

This lease made as of the • day of •, 2000 in pursuance of the *Short Forms of Leases Act*, between:

THE CORPORATION OF THE CITY OF
HAMILTON
(the "Landlord")

of the first part,

- and -

THE HAMILTON HARBOUR COMMISSIONERS
(the "Tenant")

of the second part,

witnesses that whereas:

- (a) the Landlord is seized of an estate in fee simple of the Lands, as hereinafter defined;
- (b) the Tenant has entered into an agreement to lease the Lands and the Improvements;

Now therefore in consideration of the rents, covenants and agreements herein contained, the Landlord and the Tenant agree as follows:

ARTICLE I - INTERPRETATION

1.01 Definitions

In this lease:

- (a) "Capital Alteration" has the meaning provided in Section 8.01;
- (b) "Capital Improvement" has the meaning provided in Section 8.01;
- (c) "Demised Premises" means the Improvements and the Lands;
- (d) "Improvements" means the marina and sailing school buildings, docks, wharves piers and floats, and all other fixtures improvements constructed upon the Lands;
- (e) "Lands" means the lands and premises more particularly described and shown in red on Schedule A hereto;
- (f) "MOU" means the memorandum of understanding dated June 28, 2000 and signed by the Landlord and the Tenant;
- (g) "Net Book Value" means the net book value of the Improvements as reflected in the Tenant's books applying generally accepted accounting principles, consistently applied with prior periods;
- (h) "Rent" means any amount payable by the Tenant to the Landlord hereunder;

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- (i) "Rental Taxes" means any tax or duty imposed upon the Landlord which is measured by or based in whole or in part directly upon the Rent payable under this lease, whether existing at the date hereof or hereinafter imposed by any governmental authority, including without limitation value added tax, business transfer tax, retail sales tax, federal sales tax, excise tax or duty, or any tax similar to any of the foregoing;
- (j) "Replacement" has the meaning provided in Section 8.02;
- (k) "Taxes" means all taxes, rates, assessments, duties, levies and charges whatsoever, whether municipal, parliamentary or otherwise, levied, imposed or assessed by any taxing authority against the Lands and the Improvements or either of them or upon the Landlord in respect thereof of from time to time levied, imposed or assessed in the future in lieu thereof, including those levied, imposed or assessed for education, schools and local improvements or in respect of leasehold improvements, trade fixtures, other fixture, equipment and property moved or installed by the Tenant, **including the amount of any applicable payments in lieu of taxes**, and includes capital tax levied on the Landlord; [Note to draft: Are there any if owned by the City?]
- (l) "Term" means the term of this lease as provided in Section 2.03, any period of permitted overholding and, if applicable, any renewal of this lease pursuant to Section 2.04.

1.02 Schedules

The schedules of this lease are a part of it and consist of:

Schedule A - information as to the Lands, Improvements, and Adjacent Lands;

Schedule B - Term, Rent, and additional terms of this Lease.

1.03 Number and Gender

The necessary grammatical changes required to make the provisions of this lease apply in the plural sense where the Tenant comprises more than one entity and to corporations, associations, partnerships or individuals, males or females, in all cases will be assumed as though in each case fully expressed.

1.04 Headings and Captions

The article numbers, article headings, section numbers and section headings are inserted for convenience of reference only and are not to be considered when interpreting this lease.

1.05 Obligations as Covenants

Each obligation of the Landlord or the Tenant expressed in this lease, even though not expressed as a covenant, is considered to be a covenant for all purposes.

1.06 Entire Agreement

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This lease contains all the representations, warranties, covenants, agreements, conditions and understandings between the Landlord and the Tenant concerning the Demised Premises and the subject matter of this lease.

1.07 Governing Law

This lease shall be interpreted under and is governed by the laws of the Province of Ontario.

1.08 Construction

If any provision of this lease is illegal or unenforceable it shall be considered separate and severable from the remaining provisions of this lease, which shall remain in force and shall be binding as though the said provision had never been included. If there is more than one tenant then all obligations of the Tenant hereunder shall be joint and several.

ARTICLE II - DEMISE AND TERM

2.01 Demise and Term

The Landlord hereby leases and demises the Demised Premises to the Tenant for the Term at the rent and on the terms and conditions stated in this lease.

2.02 Licenses to Access and Use Adjacent Lands

Subject to the terms of this Lease, and during the Term, the Tenant shall also have and enjoy, and the Landlord hereby grants to the Tenant, a license to have access to and to use (and to allow its customers to have access to and to use) the lands adjacent to the Lands shown in blue on Schedule "A" hereto (the "Adjacent Lands"), for purposes of

- (a) access to the water,
- (b) temporary storage of vessels,
- (c) [NTD: specify any other purposes related to the marina]

provided that any such access or use is consistent with the past practices of the Tenant, and is not incompatible, in terms of safety or aesthetics, with either the public's access to the waterfront over the Adjacent Lands or the future redevelopment of lands in the vicinity of the Demised Premises.

The licenses granted under this Section 2.02 shall include the ability of the Tenant, during two annula periods of not more than seven (7) consecutive days, designated by the Tenant to the Landlord in writing on at least seven (7) days notice, commencing on or about May 1 and October 1 during each year of the Term, to have the exclusive use of the lands shown in green on Schedule "A", for purposes of removing or launching boats from or into the water.

2.03 Term

The Term of this lease is set out in Schedule B.

2.04 Overholding

If the Tenant remains in occupation of the Demised Premises after the expiration of the Term hereby granted without a written agreement to the contrary, it shall not be deemed to be a tenant from year to year, but shall be a monthly tenant at a rental equivalent to 30% of the average monthly Gross Revenues derived by the Tenant from the Lands and the

Improvements over the 12 month period preceding the expiration of the Term, determined in accordance with generally accepted accounting principles consistently applied, payable in advance, and all the terms and conditions hereof, so far as applicable, shall apply to such monthly tenancy. The acceptance by the Landlord of arrears of rent or compensation for use or occupation of the Demised Premises after notice of termination of this lease has been given shall not operate as a waiver of the notice or as a reinstatement of the lease or as a creation of a new lease unless the parties so agree.

ARTICLE III - RENT

3.01 Fixed Rent

The Tenant covenants to pay to the Landlord Fixed Rent in the amount set out in Schedule B,

ARTICLE IV - GENERAL COVENANTS

4.01 Covenants of Tenant

The Tenant covenants with the Landlord:

- (a) to pay Rent
- (b) on or before October 30, 2001 to remove, relocate and replace the existing fence line to the west of the Demised Premises between the waterfront and Guise Street, to a position along the western boundary of the Lands as shown on Schedule "A", and
- (c) to observe and perform all the covenants and obligations of the Tenant under this lease.

4.02 Covenants of Landlord

The Landlord covenants with the Tenant:

- (a) for quiet enjoyment of the Lands; and
- (b) to observe and perform all the covenants and obligations of the Landlord under this lease.

ARTICLE V - TAXES AND CHARGES

5.01 Net Lease

It is the intention of the parties hereto that this lease be, subject to as expressly provided for herein, net and carefree to the Landlord. The Tenant covenants with the Landlord to be responsible for and to pay all costs, charges, expenses and outlays of every kind relating to or affecting the Demised Premises. Any payments not made by the Tenant may be paid by the Landlord and will thereafter be collectible as rent forthwith upon notice by the Landlord to the Tenant and all of the Landlord's remedies for non-payment of rent hereunder shall apply thereto, but nothing in this lease limits any other remedy of the Landlord in respect thereto.

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5.02 Business Taxes

The Tenant covenants to pay all business taxes levied on the Demised Premises, all Rental Taxes and all other taxes levied in respect of the Tenant's use and occupation of the Demised Premises, including all amounts in respect of payments in lieu of taxes.

5.03 Utilities

The Tenant agrees to pay for the cost of all utilities consumed at the Demised Premises including, without limitation, water, gas and electricity.

ARTICLE VI - ENTRY AND USE OF THE DEMISED PREMISES**6.01 Use of Demised Premises**

The Tenant covenants that the Demised Premises will be used solely for the purposes set out in Schedule B and the Demised Premises may not be shared.

6.02 Further Restrictions on Use

The Tenant further covenants in respect of the use of the Demised Premises as follows:

- (a) not to use the Demised Premises for a purpose which will be a nuisance including the making or permitting of any improper or unusually loud noise in the Demised Premises;
- (b) before occupying the Demised Premises, to obtain any licence or permit required by any applicable municipal by-laws, statutes and regulations necessary for the use and occupation of the Demised Premises and to maintain in force all such necessary licences and permits.

ARTICLE VII - REPAIRS AND MAINTENANCE**7.01 Tenant's Obligations**

The Tenant covenants to maintain the Improvements in good working order and in safe condition and shall repair and replace them all in a manner and to a standard that is commercially reasonable and consistent with past practices and policies of the Tenant, all at the expense of the Tenant including, without limitation, all repairs and replacements as are necessary to make and keep the Demised Premises in compliance with all applicable health, fire and safety standards, including any additional standards required by law. The Landlord shall be entitled to enter the Demised Premises at all reasonable times upon reasonable notice to view the state of repair and to make such alterations and repairs as aforesaid if the Tenant fails to make same and to charge the Tenant for the costs of all such repairs and/or alterations (together with a 15% administrative charge). The Tenant covenants to pay the charges for such repairs forthwith upon receipt of invoices for same. The Tenant shall be responsible for the maintenance and repair of its own equipment and fixtures.

7.02 Construction Liens

The Tenant shall comply with all of the provisions of the *Construction Lien Act*, and other statutes from time to time applicable to any work done or improvements made to the Demised Premises by or on behalf of the Tenant, including any steps necessary to ensure that

no lien shall attach to the Improvements or the Lands. If any such construction lien for work, labour, services or materials supplied to or for the Tenant shall be registered on title to the Lands, the Tenant shall within twenty (20) days after receipt of notice thereof from the Landlord procure the discharge thereof including any certificate of action registered in respect of any lien; failing which the Landlord shall be entitled to make such payment or take such action as may be necessary or expedient to discharge such lien and the Tenant shall forthwith on demand and as additional rent indemnify and save harmless the Landlord for any payment so made.

ARTICLE VIII - CHANGES AND ALTERATIONS

8.01 Changes and Alterations

The Tenant shall not make or permit to be made any alterations, changes or additions (collectively, "Capital Alterations") to the Demised Premises without the prior written approval of the Landlord, which approval shall not be unreasonably withheld unless such repairs affect the structure of the Improvements in which case such approval may be unreasonably or arbitrarily withheld notwithstanding any statutory provisions in effect or hereinafter enacted to the contrary. The Tenant shall submit any designs, working drawings and specifications for proposed Capital Alterations to the Landlord for approval prior to undertaking the work and, in the event that the Tenant seeks any contribution from the Landlord in respect of the cost of Capital Improvements under the terms of this Lease or otherwise, the terms of such cost sharing shall be agreed in writing between the parties, acting reasonably, in advance of the commencement of the work. Any out-of-pocket expense incurred by the Landlord in connection with any such request for approval shall be payable (together with a 15% administrative charge) by the Tenant as additional rent forthwith upon request for payment. All work to be performed in the Demised Premises shall be performed by competent contractors and subcontractors of whom the Landlord shall have approved, such approval not to be unreasonably withheld provided that the Landlord may require that the Landlord's contractors and subcontractors be engaged for any mechanical or electrical work. All such work shall be subject to inspection by and the reasonable supervision of the Landlord and shall be performed in accordance with any reasonable conditions or regulations imposed by the Landlord and completed in a good and workmanlike manner in accordance with the description of the work approved by the Landlord.

All Capital Alterations to the Demised Premises shall immediately become the Landlord's property absolutely, and there shall be no compensation therefor to the Tenant unless cost sharing terms have been agreed in the manner provided in the preceding paragraph.

Immediately prior to the end of the Term, and only to the extent directed to do so by the Landlord, the Tenant shall remove any unapproved Capital Alterations to the Demised Premises made by the Tenant during the Term, and shall restore the Demised Premises to their condition at the commencement of the Term.

The Tenant acknowledges having inspected the Demised Premises at the date of execution hereof and agrees to accept them on an "as is" basis.

8.02 Replacements

If during the Term either the Tenant decides that it is commercially reasonable from an operating perspective, or if the Landlord decides that it is commercially reasonable as owner, to replace all or any part of the Improvements (the "Replacement"), such Replacement shall be undertaken by the Tenant, and shall be subject to the prior approval and written agreement with respect to cost sharing plans by the Landlord or the Tenant, respectively as

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the case may be, in the same manner as provided in Section 8.01 with respect to Capital Alterations.

8.03 Locking System

Neither the Landlord nor the Tenant shall during the Term, alter or cause to be altered the locking system on any door giving entry to the Demised Premises, except by mutual consent. No additional locks shall be placed upon any door of the Improvements without the consent of the Landlord.

8.04 Access

The Tenant shall have access to the Demised Premises twenty four hours a day during each day of the Term.

ARTICLE IX - INSURANCE

9.01 Public Liability Insurance

At all times during the Term, the Tenant shall maintain at its own expense, comprehensive general public liability insurance against claims for personal injury or death and property damage or loss arising out of all operations of the Tenant. Such insurance shall be placed with an insurer acceptable to the Landlord. This insurance shall protect the Landlord and the Tenant to an amount not less than \$5,000,000 per occurrence and the Landlord shall be a named insured in the insurance policy. The insurance policy or policies shall contain a cross-liability clause protecting the Landlord against claims by the Tenant as if the Landlord were separately insured and protecting the Tenant against claims by the Landlord as if the Tenant were separately insured. The insurance will contain a waiver of subrogation rights against the Landlord and against those for whom the Landlord is, in law, responsible. The insurance will contain a clause that it will not be cancelled or changed without the Landlord first having received not less than thirty (30) days' written notice of such cancellation or change.

9.02 Legal Liability Insurance

At all times during the Term, the Tenant shall maintain at its own expense all risk tenants' legal liability insurance. Such insurance shall be placed with an insurer acceptable to the Landlord. This insurance shall protect the Landlord and the Tenant to an amount not less than \$50,000 for every 1,000 square feet or part thereof of the Demised Premises and the Landlord shall be a named insured in the insurance policy. The insurance policy or policies shall contain a cross-liability clause protecting the Landlord against claims by the Tenant as if the Landlord were separately insured and protecting the Tenant against claims by the Landlord as if the Tenant were separately insured. The insurance will contain a waiver of subrogation rights against the Landlord and against those for whom the Landlord is, in law, responsible. The insurance will contain a clause that it will not be cancelled or changed without the Landlord first having received not less than 30 days' written notice of such cancellation or change.

9.03 Property Insurance

The Tenant shall maintain during the Term all risk insurance in its chattels, fixtures and leasehold improvements in the Demised Premises for at least the full replacement value thereof. Such insurance will be placed with an insurer acceptable to the Landlord, will name the Landlord as a named insured, will contain a waiver of subrogation rights against the Landlord and those for whom the Landlord is, in law, responsible and will provide that it will not be cancelled or changed without the Landlord first having received not less than 30 days' written notice of such cancellation or change.

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9.04 Evidence of Insurance

The Tenant shall forthwith after request by the Landlord provide evidence of the insurance required to be carried by the Tenant hereunder from time to time.

ARTICLE X - DAMAGE OR DESTRUCTION**10.01 Damage or Destruction**

In the event of damage to or destruction of the Improvements during the first fourteen years of the Term by fire or other casualty against which the Landlord is insured, the Landlord shall pay out such insurance proceeds to the Tenant in compliance with all laws, including the *Construction Lien Act*, and the Tenant agrees to rebuild the Improvements which have been damaged based upon plans and specifications approved by the Landlord, acting reasonably. If the event of damage to or destruction of the Improvements occurs during the last year of the Term, this lease shall be automatically terminated and the Landlord shall have the right to retain all of the insurance proceeds.

10.02 Limitations on Landlord's Liability

The Landlord shall not be liable for any damage to any property at any time on the Demised Premises or in the Improvements from gas, water, steam, water works, rain or snow, which may leak into, issue or flow from any part of the Improvements or from the pipes or plumbing works of same, or from any other place or quarter.

10.03 Notice to Landlord

The Tenant shall give the Landlord prompt written notice of any accident or other defect in the plumbing, electrical, telephone, gas, heating, air conditioning or other service systems in the Improvements.

10.04 Tenant's Liability

The Tenant shall be liable for any damage done by reason of water being left running in the Demised Premises or from gas permitted to escape therein. The Tenant will also be responsible for any damage caused by allowing the windows of the Improvements to remain open so as to admit rain or snow.

ARTICLE XI - INDEMNITY**11.01 Tenant's Indemnity**

The Tenant covenants to indemnify and save harmless the Landlord from all claims, actions, costs and losses of every nature arising during the Term and caused by the Tenant or those for whom it is at law responsible. The foregoing indemnity extends to all claims, actions, costs or losses arising out of:

- (a) a breach of or non-compliance with a covenant, agreement or condition on the part of the Tenant contained in this lease;
- (b) injury to a person, occurring in or about the Demised Premises, including death resulting from the injury; and
- (c) damage to or loss of property arising out of the use and occupation by the Tenant of the Demised Premises.

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The obligations of the Tenant to indemnify the Landlord under the provisions of this section are to survive the termination of this lease in respect of every event occurring during the Term or any overholding.

ARTICLE XII - SUBLETTING AND ASSIGNING

12.01 Assigning or Subletting

The Tenant shall not assign this lease or sublet the Demised Premises, or any part thereof, without the prior written consent of the Landlord, which consent may be arbitrarily withheld notwithstanding any rule of law or statutory provision to the contrary now in effect or hereinafter enacted. No assignment or sublease shall relieve the Tenant of its obligations hereunder. Any assignee or subtenant shall, at the Landlord's option, enter into an agreement with the Landlord whereby it agrees to be bound by the provisions of this lease. The Tenant shall not pledge or grant any security interest in or otherwise encumber the Demised Premises.

ARTICLE XIII - IN DEFAULT

13.01 Tenant's Default

Where the Tenant fails to perform or comply with any covenant, term or condition in this lease to be performed or complied with by the Tenant, and the failure continues (a) in the case of payment of rent or other payments deemed to be rent by Section 5.01 herein, for 30 days after the rent is due, and (b) in case of any other covenant, term or condition of this lease, for 45 days after receipt of notice from the Landlord of the default or such longer period of time as is reasonably necessary in the circumstances, provided that the Tenant diligently begins to rectify such default forthwith upon receiving such notice and diligently continues to do so until such default is rectified, the Landlord may enter and take possession of the Demised Premises with or without terminating this lease. A default under the chattel lease dated ●, 2000 shall also be a default under this lease. In taking possession of the Demised Premises, the Landlord may remove all persons and property from the Demised Premises and such property may be removed and stored in a public warehouse or elsewhere at the cost of and for the account of the Tenant, all without service of notice or resort to legal process and without being considered guilty of trespass or becoming liable for loss or damage occasioned thereby.

If the Demised Premises are vacant, the Tenant shall be deemed to have abandoned the Demised Premises and the Landlord shall be entitled to take immediate possession thereof.

None of the goods of the Tenant on the Demised Premises shall be exempt from levy by distress for rent or additional rent in arrears, notwithstanding the provisions of any statutes taking away or limiting the Landlord's right of distress.

13.02 Remedies Generally

If the Tenant defaults hereunder the Landlord may remedy or attempt to remedy the default and in so doing may make any payments due or alleged to be due by the Tenant to third parties. The Landlord's costs on account of remedying or attempting to remedy the default shall be payable by the Tenant to the Landlord on demand. If legal action is brought for the recovery or possession of the Demised Premises or for the recovery of rent or by reason of the breach of any obligation of the Tenant hereunder and a breach is established, the Tenant shall pay to the Landlord all costs incurred therefor, including legal fees on a solicitor/client basis

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unless a court otherwise awards. The Landlord may from time to time resort to any or all the rights and remedies available to it in the event of any default hereunder by the Tenant all of which rights and remedies are intended to be cumulative and not alternative and the express provisions hereunder as to certain rights and remedies are not to be interpreted as excluding any other or additional rights and remedies available to the Landlord by statute or general law.

ARTICLE XIV - SURRENDER OF THE DEMISED PREMISES

14.01 Surrender of the Demised Premises

On the termination of this lease for any reason, the Tenant shall surrender the Demised Premises to the Landlord in the condition in which they are required to be kept by the Tenant under the provisions of this lease.

14.02 Removal of Fixtures

At the end of the Term, the Tenant may remove any trade fixtures it owns but not any other leasehold improvements, goods and chattels from the Demised Premises provided that:

- (a) the Tenant is not in default under this lease; and
- (b) the Tenant shall repair any damage or injury caused to the Demised Premises by such removal.

ARTICLE XV - MISCELLANEOUS

15.01 Subordination

This lease shall be subordinate to any mortgages or charges created by the Landlord on the Lands and the Tenant shall promptly at the request of the Landlord execute such documents as may be required to postpone its rights to the holder of any such mortgage or charge. The Landlord covenants to use its best efforts to obtain agreements from the holder of each such mortgage or charge consenting to this lease and agreeing that so long as the Tenant is observing and performing the terms of this lease the Tenant shall enjoy undisturbed quiet possession of the Demised Premises without interference from or through the holder of such mortgage or charge.

15.02 For Rent and For Sale Signs

The Landlord may within six (6) months before the expiration of the Term, if not renewed, or six (6) months before the expiration of any renewal term, place on the Demised Premises a notice of reasonable dimensions stating that the Demised Premises are for rent. The Landlord may, at any time during the Term, place on the Demised Premises a notice of reasonable dimensions stating that the Demised Premises are for sale.

15.03 Entry by Landlord

Notwithstanding any other provisions of this lease, the Landlord may enter the Demised Premises, at all reasonable times, for the purpose of inspecting same and for such other purpose as the Landlord may consider necessary for the protection of its interest under this lease and for the purpose of showing the Demised Premises to prospective purchasers, mortgagees and tenants.

15.04 Rules and Regulations

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The Landlord shall have the right from time to time to make reasonable rules and regulations as in its judgment may from time to time be necessary for the safety, care and cleanliness of the Demised Premises and for preservation of good order therein and the same shall be kept and observed by the Tenant who shall insist that all persons being in the Demised Premises by reason of the use of the Demised Premises by the Tenant shall observe and comply with the said rules and regulations.

15.05 Notices

Any notice to be given pursuant to the provisions of this lease must be in writing and may be personally served in which case service shall be immediate or may be given by prepaid registered post mailed at a post office in the City of Hamilton and shall be deemed to have been served 72 hours following the day of mailing. The address of the Landlord and Tenant for such purpose is set out in Schedule B. Either party may from time to time notify the other of any change of address.

15.06 Transfer by Landlord

If the Landlord transfers or leases the Improvements or the Lands or any part thereof and, to the extent that the transferee or lessee becomes liable to perform the obligations of the Landlord hereunder, the Landlord shall be no longer liable hereunder.

15.07 Successors and Assigns

This lease shall enure to the benefit of and be binding upon the successors and assigns of the Landlord and the heirs, executors, administrators, successors and permitted assigns or successors and permitted assigns of the Tenant, as the case may be.

15.08 Waiver

If the Landlord shall overlook or excuse any default by the Tenant of any obligation hereunder this shall not operate as a waiver of such obligation in respect of any continuing or subsequent default and no waiver shall be effective unless expressed in writing. The acceptance of rent by the Landlord from the Tenant or any other entity will not be considered to be a waiver of a breach by the Tenant of its obligations hereunder regardless of the knowledge of the Landlord of the breach at the time of acceptance of the rent.

15.09 Force Majeur

If and to the extent that either the Landlord or the Tenant shall be prevented, delayed or restricted in the fulfilment of any obligation hereunder other than the payment of money by the Tenant because of any cause beyond the control of the party affected thereby which prevents the performance by such party of any obligation hereunder and not caused by its default and not avoidable by the exercise of reasonable effort including, without limitation, strikes, labour disturbances, civil disturbance, acts, orders, legislation, regulations or directives of any government or public authority, acts of a public enemy, war, riot, sabotage, earthquake, fire, storm, hurricane, flood, explosion or act of God, it shall be deemed not to be a default in the performance of such obligation and any period for the performance of such obligation shall be extended accordingly and the other party to this lease shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned.

15.10 Dispute Resolution [Note to draft: Please advise if the time frames are satisfactory]

Any controversy, question, claim or other dispute arising out of or relating to this lease (a "Dispute") which are not resolved in the first instance by negotiation in good faith between the parties within two business days of the Dispute arising, shall be resolved by either party giving written notice to the other that the Dispute is to be submitted to arbitration in accordance with this paragraph. For any Dispute submitted to arbitration, the following provisions shall apply:

- (a) the arbitration tribunal shall consist of one arbitrator appointed by mutual agreement of the Landlord and the Tenant or in the event of failure to agree within 10 business days following delivery of the written notice to arbitrate, any party may apply to a judge of the Superior Court of Justice (Ontario) to appoint an arbitrator. The arbitrator shall be qualified by education and training to pass upon the particular matter to be decided;
- (b) the submissions of each party shall be in writing, and provided to the arbitrator and the other party within 2 business days of the dispute being submitted to arbitration;
- (c) the arbitration shall take place in Hamilton, Ontario;
- (d) the arbitrator will make a decision and advise both the parties in writing of the decision no later than 15 business days following the day on which the written submissions are provided to the arbitrator;
- (e) the costs of the arbitration shall be borne equally by the parties;
- (f) the parties shall co-operate promptly and in good faith with the arbitrator to provide full disclosure of information relevant to the dispute;
- (g) the arbitration award shall be given in writing and shall be final and binding on the parties, not subject to any appeal except as set out in the *Arbitration Act*, 1991 (Ontario), and shall deal with the questions of costs of arbitration and all related matters;
- (h) all Disputes referred to arbitration (including the scope of the agreement to arbitrate, any statute of limitations, set-off claims, conflict of laws rules, torts claims and interest claims) shall be governed by the substantive law of Ontario;
- (i) The arbitrator shall make such other rules of procedure, evidence and other matters for an arbitration as are reasonable having regard to the timing requirements set out herein;
- (j) the parties agree that the arbitration shall be kept confidential and that the existence of the proceedings and any elements of it (including any pleadings, brief or other documents submitted or exchanged, any testimony or other oral submissions and any awards) shall not be disclosed beyond the arbitrator, the parties, their counsel and any person necessary to the conduct of the proceeding, except as may lawfully be recorded in judicial proceedings relating to the arbitration or otherwise.

In witness whereof the Landlord and Tenant have executed this lease as of the first date set out above.

THE CORPORATION OF THE CITY OF
HAMILTON

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By: _____

c/s

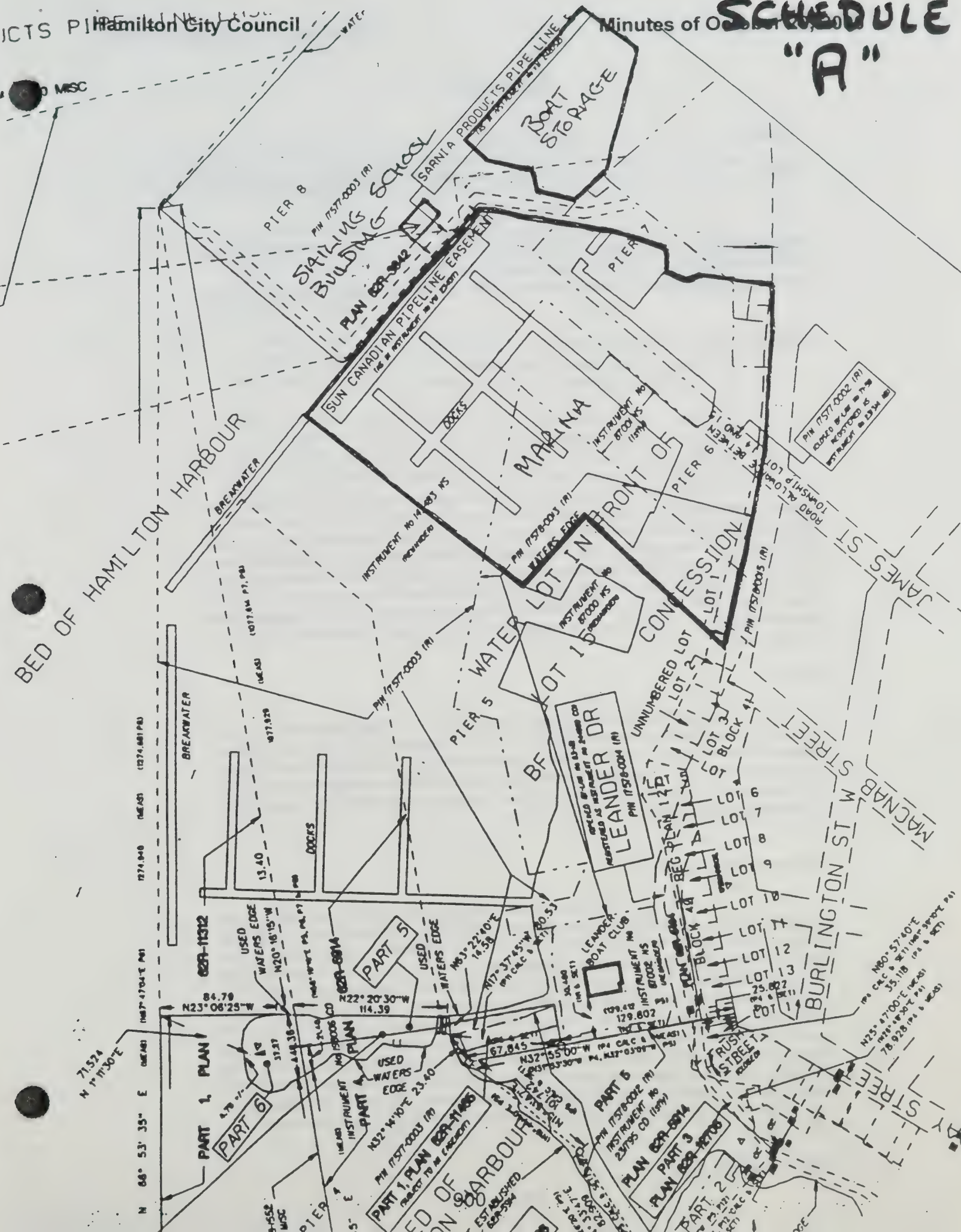
By: _____

THE HAMILTON HARBOUR
COMMISSIONERS

By: _____

c/s

By: _____



SCHEDULE B

The Land: legal description: ●
Term: 15 years commencing on ●, 2000 and ending on ●, 2015.
Rent: \$1.00 per annum

**Permitted Uses of
the Demised Premises**

(the "Permitted Business"): For the operation of a marina and sailing school and no other purpose

Address for Notice: Landlord: ●
Tenant: ●

Early Termination

If during the Term the marina operations conducted at the Demised Premises are or become, in the aggregate, unprofitable to the Tenant, then the Tenant shall have the right, exercisable one year written notice to the Landlord, to terminate this lease. On the termination date, the Tenant shall surrender the Demised Premises in the condition required to be maintained by the Tenant under this Lease. The Tenant shall not have any claim or remedy against the Landlord except the remedy to terminate this lease as set out herein, unless the unprofitability of the operations at the Demised Premises is caused by a breach by the Landlord of the terms set out in this lease or a chattel lease dated the date hereof, in which case a claim may only be made pursuant to arbitration in accordance with this lease.

Audit

The Landlord shall have the right, at any time and from time to time during the Term, to conduct an audit of the operations of the Tenant on the Demised Premises for any purposes connected with the Lease, including without limitation a determination of the Net Book Value of the Improvements. The Tenant agrees to make all books and records, including the working papers of its accountants or auditors, available for review and copying by the Landlord or its representative in connection with such audit.

Adjustment of Net Book Value

Each of the parties agree, at the end of the Term (and except in any case of early termination by the Tenant or for default) to make or to accept (as the case may be) a one-time payment to adjust for any increase or decrease in the Net Book Value of the Improvements that may arise between the commencement date and the expiration date of this lease. If any payment due from the Tenant to the Landlord under this section arises as a result of the Tenant's use of its own staff, equipment and other resources to effect repairs to the Improvements or any part thereof, the payment due from the Tenant may be reduced to the extent that the Tenant establishes the net value of such repairs, provided that no claim for any payment by the Landlord to the Tenant shall be made on this basis. If the parties at the expiration of the Term are unable to agree upon the amount of the payment to be made under this Section, then the amount shall be determined by a single arbitrator in accordance with the dispute resolution provisions set out herein. The remedy under this Section shall be the sole remedy available to the parties in respect of the value of, or their investment in, the Improvements.

Non-Competition

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The Landlord agrees that it will not operate (or permit any tenant to operate), on any lands transferred by the Tenant to Landlord under the MOU, any marina or sailing school operations that compete with the Tenant's operations at the Demised Premises, provided that:

- (a) the Tenant shall maintain commercially reasonable pricing for the services and facilities provided as part of the marina and sailing school operations at the Demised Premises, consistent with the Tenant's past practices, including any services, facilities or pricing concessions previously provided to the Royal Hamilton Yacht Club or Leander Boat Club;
- (b) the Tenant will offer all its marina and sailing school services (other than moorage) to the boating public generally, on the same terms and conditions as they are offered to the Tenant's own moorage customers on the Pier 6 slips from time to time; and
- (c) nothing in this section shall prevent the Landlord, The Royal Hamilton Yacht Club, or the Leander Boat Club from providing, or continuing to provide, any marina services and facilities that have been provided on or in connection with the Pier 5 lands and slips in the period immediately prior to the commencement date of this lease.

DRAFT: OCTOBER 18, 2000

THIS LEASE made this _____ day of October, 2000, between The Corporation of the City of Hamilton, as lessor, (the "Lessor") and Hamilton Harbour Commission, as lessee (the "Lessee").

In consideration of their respective covenants set out below, Lessor and Lessee agree as follows:

1. Interpretation

(1) Definitions

In this lease:

SCHEDULE 6(b) AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

"Alteration" has the meaning specified in section 5(3);

"business day" means a day which is not a Saturday, a Sunday or a statutory or civic holiday in the Province of Ontario;

"default" means an event which, with the giving of notice or lapse of time, or both, may become an Event of Default;

"demand date" has the meaning attributed thereto in subsection 6(2)(f);

"Demised Premises" shall have the meaning given to such term in the Ground Lease;

"Event of Default" means an event described in section 6(1) in respect of which all preconditions (such as the lapse of time or the giving of notice by Lessor, or both) to the Lessor's exercise of one or more of its remedies in section 6(2) have been satisfied or have expired, and with respect to which the Lessor, according to the terms of sections 6(1) and (2), is then immediately entitled to exercise one or more of its remedies under section 6(2);

"Ground Lease" means a lease dated of even date hereof, between the Lessor, as landlord, and the Lessee, as tenant [insert particulars];

"Leased Assets" means the Major Capital Assets and the Operating Assets;

"Lien" has the meaning attributed thereto in section 5(4);

"Major Capital Assets" means those assets described in Schedule "A" under the heading Major Capital Assets;

"Net Book Value" means the net book value of the Leased Assets as reflected in the Lessee's books and records applying generally accepted accounting principle, consistently applied with prior periods;

"Operating Assets" means at any time the equipment and personal property described in Schedule A under the heading Operating Assets, all parts, components, attachments and accessories thereto and all other property and assets from time to time subject to this lease,

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together with all attachments, replacements, Alterations (to the extent that such Alterations may from time to time become or be deemed to be property of Lessor as contemplated in section 5(3), repair parts and components and all plans, surveys, blueprints, technical drawings and other drawings with respect to any of the foregoing, but shall not include any replacements which are not accounted for in the Net Book Value statement prepared by the Tenant in connection with s.5(13)

"person" includes an individual, corporation, trust, partnership, governmental authority and any other entity;

"Proceeds of Disposition" has the meaning attributed thereto in clause 6.2(f)(v);

"Taxes" means any and all taxes, rates, duties, assessments, levies, licence fees and other public charges (excluding only Canadian federal and provincial taxes or foreign taxes on net income or capital of Lessor and Canadian provincial or municipal place of business taxes and other similar taxes in respect of Lessor or its property other than the Leased Assets) which may at any time be charged or assessed directly or indirectly with respect to this lease or the Leased Assets, or Lessor's or Lessee's interest therein, or with respect to the use, leasing or operation of the Leased Assets, and all interest and applicable penalties with respect thereto, whether assessed, levied or charged by any municipal, provincial or federal government, any school board or any other public body;

"Term" has the meaning specified in section 2(2); and

"this lease", "herein", "hereunder", "hereof" and similar terms refer to this lease as a whole and not to any particular article, section, schedule or other subdivision of this lease.

(2) Number and Gender

The necessary grammatical changes required to make the provisions of this lease apply in the plural sense where the Lessee comprises more than one entity and to corporations, associations, partnerships or individuals, males or females, in all cases will be assumed as though in each case fully expressed.

(3) Headings and Captions

The article numbers, article headings, section numbers and section headings are inserted for convenience of reference only and are not to be considered when interpreting this lease.

(4) Obligations as Covenants

Each obligation of the Lessor or the Lessee expressed in this lease, even though not expressed as a covenant, is considered to be a covenant for all purposes.

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(5) Entire Agreement

Other than the • [Note to draft: see note in ground lease?] this lease contains all the representations, warranties, covenants, agreements, conditions and understandings between the Lessor and the Lessee concerning the Demised Premises or the subject matter of this lease.

(6) Governing Law

This lease shall be interpreted under and is governed by the laws of the Province of Ontario.

(7) Construction

If any provision of this lease is illegal or unenforceable it shall be considered separate and severable from the remaining provisions of this lease, which shall remain in force and shall be binding as though the said provision had never been included. If there is more than one tenant then all obligations of the Lessee hereunder shall be joint and several.

(8) Schedules

Annexed to and forming a part of this lease are the following schedules:

Schedule A — description of Leased Assets [LISTS OF EQ'T]

2. Demise and Term**(1) Demise**

Lessor hereby leases to Lessee, and Lessee hereby hires from Lessor, the Leased Assets, to have and to hold the same during the Term upon and subject to the terms and conditions set out below.

(2) Term

The term of this lease (the "Term") shall be for a period of fifteen (15) years and shall commence on • and, except as otherwise expressly provided herein, shall terminate on •. This lease cannot be cancelled or terminated except as expressly provided herein.

(3) Title

Title to the Leased Assets is and shall at all times remain vested in Lessor. This agreement is one of lease only. Lessee shall have no right, title or interest in the Leased Assets except the right to use and possess the same upon and subject to the terms and conditions contained in this lease. Lessee shall defend Lessor's title against any contrary claim asserted during the Term or at any other time by any person claiming through or against Lessee or arising out of or related in any way to this lease or Lessee's possession or use of the Leased Assets.

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3. Rent

(1) Lessee shall pay to Lessor as rent for the Leased Assets a payment in the amount of \$1.00.

(2) Net Lease

Except as expressly provided herein, this lease is a net lease and every cost and expense existing or arising with respect to the Leased Assets, the delivery thereof or Lessee's lease, possession or use thereof and all Taxes shall be borne by Lessee.

4. Representations and Warranties**(1) Lessee's Representations and Warranties**

Lessee represents and warrants to Lessor that:

- (a) Lessee is duly qualified and holds all necessary licences, approvals, certificates and permits to enable it to lease the Leased Assets from Lessor and to operate the same as contemplated in this lease;
- (b) Lessee has full power, authority and the legal right to enter into this lease and perform its obligations hereunder, and the execution and delivery by it of this lease and performance of its obligations hereunder have been duly authorized by all necessary *corporate* action on the part of Lessee and will not violate any provision of law or of the *constating documents or bylaws of Lessee* or result in a breach of or constitute a default under any agreement, indenture or other instrument to which Lessee is a party or by which it or any of its property may be bound or affected, or permit any lender to accelerate or demand repayment of any material amount of indebtedness of Lessee;
- (c) this lease constitutes a legal, valid and binding obligation of Lessee; and
- (d) all consents, authorizations and approvals of third persons, if any, necessary with respect to this lease and to performance by Lessee of its obligations hereunder and for the protection and preservation of Lessor's interest in the Leased Assets have been obtained.

(2) Lessor's Representations and Warranties; Exclusions

- (a) Lessor represents and warrants to Lessee that:
 - (i) Lessor is [*a corporation duly incorporated, organized and validly existing under the laws of Ontario*] and is] duly qualified to own the Leased Assets and to lease it to Lessee as provided in this lease;

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- (ii) Lessor has full power, authority and the legal right to enter into this lease and perform its obligations hereunder, and the execution and delivery by it of this lease and performance of its obligations hereunder *have* been duly authorized by all necessary *[corporate]* action on the part of Lessor and will not violate any provision of law *[or of the constating documents or by-laws of Lessor]* or result in a breach of or constitute a default under any agreement, indenture or other instrument to which Lessor is a party or by which Lessor or any of its property may be bound or affected; and
 - (iii) this lease constitutes a legal, valid and binding obligation of Lessor;
- (b) Except as set forth in subsection 4(2)(a), there are no conditions, representations or warranties by Lessor or operating in favour of Lessee, whether oral or written, express or implied, statutory or otherwise, with respect to Lessor, the Leased Assets, and this lease. In that regard, and for greater certainty, Lessee acknowledges that: (i) it has selected the Leased Assets without placing any reliance on Lessor or on Lessor's skill or judgement, and that Lessor has purchased the same at the direction of Lessee, and that Lessor shall not be held to have examined, inspected or assembled the Leased Assets or any part thereof for any purpose; (ii) the Leased Assets are leased under this lease on an "as is" basis; (iii) and there are no warranties, conditions, terms, representations or inducements, oral or written, express or implied, statutory or otherwise, made by or on behalf of Lessor or operating in favour of Lessee as to any aspect of the Leased Assets including, without limitation, as to its condition, operation, fitness for any particular purpose, durability or merchantability, or as to Lessor, this lease or any other matter related to this lease transaction, all of which are hereby waived and excluded from this lease to the fullest extent permitted by applicable law, and Lessee agrees not to seek or claim the benefit thereof.

5. Use of Leased Assets

(1) Taxes, Compliance With Laws; Use of Leased Premises

- (a) Lessee shall promptly pay all Taxes in respect of the Leased Assets, when due, to Lessor or to the proper governmental authority. Notwithstanding the foregoing,
 - (i) if by law any particular Tax, at the option of the Lessee, may be paid by instalments (whether or not interest may accrue on the unpaid balance from time to time), Lessee may pay the sum in instalments as they become due; and
 - (ii) Lessee may, upon written notice to Lessor, refrain from paying any particular Tax if (i) the amount, applicability or validity thereof is then being contested by Lessee, and (ii) Lessee shall have deposited with or otherwise delivered to the applicable governmental authority such security

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for payment if, and in such amount as may be, required by such governmental authority or by applicable law in order to permit Lessee to contest the same, and shall have provided Lessor with evidence satisfactory to it that the effect of such proceeding is to postpone or avoid the enforcement of such Tax and any forfeiture or seizure of any part of the Leased Assets; but upon final determination of such proceeding Lessee shall immediately pay and satisfy all proper Taxes, costs, penalties, interest or other charges payable by it in connection therewith.

- (b) Lessee shall at all times and at its own expense comply with all applicable statutes, laws, regulations, orders and rules, present or future, and the requirements of any insurance policies and underwriters relating to the ownership, possession, use, operation, maintenance, alteration, storage, repair, delivery, return or other disposition of all and any part of the Leased Assets, including, without limitation, all of the same relating to equipment standards, spill contingency plans, spill containment and clean-up, annual testing and filing of all reports required in respect thereof with all applicable governmental and regulatory bodies and authorities. Lessee shall indemnify and hold Lessor harmless with respect to any failure to so comply and shall, upon request, furnish Lessor with evidence satisfactory to Lessor of Lessee's compliance.

(2) Maintenance, Use and Inspection

- (a) Lessee shall, subject to its duty to account at the end of the Term in accordance with this Lease, at all times and at its own expense, and notwithstanding any defective condition on the date hereof or thereafter, be permitted to sell, trade, transfer, discard, and if appropriate in its judgment, replace any of the Leased Assets, and shall maintain the Leased Assets in good mechanical and working order, repair, condition and appearance, to a standard that is commercially reasonable and consistent with the past practices and policies of the Lessee in connection therewith, and shall make any and all necessary repairs and replacements, including repairs and replacements on account of ordinary wear and tear, to the Leased Assets, and shall furnish or obtain and install any and all parts, components, accessories and servicing required to keep the Leased Assets in the state required by this lease.
- (b) Lessee shall cause the Leased Assets to be maintained and operated by competent and duly qualified personnel only, and for proper business purposes, and in compliance with all manufacturer's or supplier's recommendations, instructions, manuals and specifications and with all terms and provisions of this lease.

(3) Alterations, Additions, Improvements and Replacements

- (a) Lessee shall be entitled, at its expense, to make alterations, additions or improvements (each individually referred to as an "Alteration") to the Leased

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Assets provided that any such Alteration and all such Alterations collectively shall not be subject to, and shall not subject the Leased Assets to, any Lien which is not removed prior to the end of the Term.

Where, in respect of any Alteration, Lessee would be required or permitted by applicable law to obtain any permit, certificate, inspection or approval prior to or following making of the same from any governmental authority, Lessee shall obtain the same and promptly provide Lessor with evidence thereof.

- (b) All Alterations required by law or required to maintain the Leased Assets in the condition required by this lease or constituting replacements for any existing part of the Leased Assets shall upon the earlier of installation or completion become the property of, and the same are hereby conveyed to, Lessor without requirement of any further act or formality, and thereafter all such Alterations shall for all purposes be and be deemed to be part of the Leased Assets. All other Alterations shall remain the property of Lessee. Lessee shall not be entitled to remove any Alterations which become the property of Lessor but shall be entitled during the Term to remove any Alterations which remain the property of Lessee. However, damage caused by such removal shall be repaired by Lessee at Lessee's expense.
- (c) If Lessee fails to remove any Alterations which it is entitled to remove during the Term Lessor may, in the event that any such Alterations diminish the value of the Leased Assets when in its original condition hereunder, require Lessee to remove the same at or prior to the date Lessee is required to surrender or return the Leased Assets to Lessor under section 5(11). If Lessee does not remove and is not required by Lessor to remove any Alteration which otherwise would remain Lessee's property under subsection 5.3(2), any further right on the part of Lessee to remove the same after expiry of the Term shall be extinguished, and all right, title and interest of Lessee in and to all Alterations which had previously remained the property of Lessee but which have not been removed by Lessee shall without further act or formality be vested in and the same are hereby conveyed to Lessor. In addition, Lessor shall be indemnified by Lessee for any damages suffered by Lessor as a result of Lessee's failure to remove any Alteration which diminishes the original value of the Leased Assets.
- (d) If during the Term either the Lessee decides that it is commercially reasonable from an operating perspective or the Lessor decides that it is commercially reasonable as owner to undertake any capital repairs or improvements to, or replace any, Major Capital Assets or part thereof (each individually referred to as a "Replacement"), such Replacement shall be undertaken by the Lessee and shall be subject to the prior written consent of the City or the Lessee respectively, which consent by either party shall not be unreasonably withheld or delayed. The parties shall, acting reasonably, agree upon the design and cost sharing plans in respect of the Replacement having regard to the expected useful life of the Replacement and the time remaining in the Term.

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- (e) All Replacements shall upon the earlier of installation or completion become the property of, and the same are hereby conveyed to, Lessor without requirement of any further act or formality, and thereafter all such Replacements shall for all purposes be and be deemed to be part of the Leased Assets. All other Alterations shall remain the property of Lessee.
- (f) Lessee shall, if so requested by Lessor, execute and deliver to Lessor such bills of sale, assignments, conveyances, deeds and other documents and instruments as may be requested by Lessor to evidence the transfer to Lessor of title in and to any Alterations or Replacements which are to become the property of Lessor as contemplated in this section 5(3).

(4) Prosecution of Work

Lessee shall make and complete all repairs, Alterations, additions, changes or improvements to the Leased Assets diligently and in a good and workmanlike manner.

(5) Liens and Encumbrances

Lessee shall not at any time during the Term permit any builder's, labourer's, material supplier's or other similar lien or charge to stand against the whole or any part of the Leased Assets. In addition, at all times during the Term and so long as any amount owing hereunder shall remain unpaid, Lessee shall keep the Leased Assets and all Alterations referred to in subsection 5(2)(e) free and clear of all other liens, charges, encumbrances, security interests, seizures and rights or claims of third parties of any kind or nature (any such lien, charge, encumbrance, security interest, seizure and third party right and claim of any kind or nature being referred to as a "Lien"), except for any Lien arising out of claims against the Lessor unrelated to this transaction and to the Leased Assets. Notwithstanding the foregoing Lessee may, upon written notice to Lessor, refrain from paying and discharging any Lien if:

- (a) the amount, applicability or validity thereof is being contested by Lessee, and
- (b) Lessee shall have deposited with Lessor or with a court having jurisdiction or with the appropriate governmental authority such amount by way of cash, certificates of deposit or other security, if any, as may be required by such court or governmental authority or by applicable law in order to permit Lessee to contest the same, and shall have provided to Lessor, if and whenever requested by Lessor, with evidence satisfactory to Lessor that the effect of such proceedings is to postpone or avoid the enforcement of the Lien and forfeiture of any part of the Leased Assets.

However, upon final determination of such proceedings Lessee shall immediately pay and satisfy all costs, penalties, interest or charges payable by it in connection with the Lien and such proceedings.

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(6) Loss or Damage; Restoration and Rebuilding; Expropriation

Lessee assumes the entire risk of loss (including loss or interruption of use) of or damage to the Leased Assets from any cause whatsoever. No loss or damage, other than loss or damage arising from the negligence of Lessor shall affect or impair the obligations of Lessee under this lease, all of which shall continue in full force and effect subject to subsection 5(6)(c).

(7) Loss Insurance

Lessee shall maintain insurance against loss, damage or destruction of the Leased Assets on such terms and against such risks as may be prudent for property of the same type, manufacture and value as the Leased Assets. Lessor shall have no obligation to insure against any loss, damage or liability whatsoever. All policies and all renewals thereof shall name Lessor and Lessee jointly as named insureds and as loss payees. Insurance proceeds for damage to or destruction of the Leased Assets shall be paid to Lessor and applied towards satisfaction of Lessee's obligation to pay the Stipulated Loss Value of the Leased Assets or shall be disbursed to Lessee to reimburse it[, *upon presentation of appropriate invoices for the work done or materials acquired,*] for the costs of repair or replacement under section 5(6), as the case may be.

(8) Third Party Liability, Indemnity

- (a) Lessee assumes liability for all loss, damage, injury or death to persons or property arising directly or indirectly out of the possession, operation, storage or use of the Leased Assets during the Term, by whomsoever caused and whether or not caused by negligence unless caused by the negligent actions of Lessor's employees, agents or representatives. For greater certainty, it is understood that Lessor will not be responsible for any failure or omission to act, whether or not negligent, nor for any liability which may accrue to it by virtue only of its ownership of or interest in the Leased Assets, any such liability being solely the responsibility of Lessee. Lessee shall insure at its expense both Lessor and Lessee against such liability under comprehensive general liability policies (including contractual and, where commercially available, pollution liability insurance) in such amounts and with such insurers as are acceptable to Lessor from time to time. Each liability policy maintained in accordance with this subsection 5(8)(a) shall provide that all provisions thereof (except limits of liability) shall operate as if they were a separate policy covering each insured.
- (b) Lessee shall indemnify and save harmless Lessor, its directors, officers, employees and agents, from any liability described in subsection 5(8)(a) for which Lessee assumes liability under this lease and, subject to its control thereof, for all reasonable legal fees and other reasonable fees and costs Lessor or any of such persons may incur defending any claims, actions or proceedings in respect of any such liability. Lessee shall also indemnify and save harmless Lessor, its officers, employees and agents, from and against any and all other claims, demands,

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liabilities (statutory or otherwise), losses, costs, charges and expenses of whatever nature or kind relating to the Leased Assets including those relating to the possession, use, operation, maintenance, alteration, storage, repair, delivery, return or other disposition of all or any part of the Leased Assets unless caused by the negligent actions of Lessor's employees, agents or representatives.

(9) Proof of Insurance; Notice of Changes

Certificates confirming existence of the insurance coverage required to be maintained by Lessee under sections 5(7) and 5(8) shall be provided to Lessor upon request but Lessor shall not be deemed to have reviewed the same or the sufficiency thereof except where it has so confirmed in writing. In the event of issuance of notice of cancellation or termination, Lessee shall provide Lessor with satisfactory evidence of replacement insurance complying with this lease.

(10) Failure to Perform Covenants

If Lessee fails to maintain, to insure, to pay taxes or to keep the Leased Assets and the respective interests of Lessor and Lessee therein free and clear of all claims, proceedings and Liens as required by this lease, or to perform or observe any other covenant or condition of this lease, then in addition to its other remedies and provided that, if Lessee is not otherwise in default hereunder, such failure shall have continued for a period of not less than sixty (60) days (except in the event of a failure to insure, in which event Lessor may exercise its rights under this section 5(10) immediately), Lessor may, but shall not be obligated to, pay for repairs, pay to insure, pay taxes, pay to discharge, release or vacate any adverse claim or Lien against all or any part of the Leased Assets or to release the Leased Assets from proceedings, or pay any other sum or otherwise take such steps and proceedings as may in its opinion be required to cure or partially cure any default by Lessee hereunder. The reasonable cost of such actions and all amounts so paid and incurred by or on behalf of Lessor shall be payable to Lessor from the date the same is paid by Lessor to the date of payment by Lessee.

(11) Return Condition; Redelivery on Termination

- (a) The Leased Assets shall be returned to Lessor at the end of the Term in the same condition as it was in at the commencement of the Term.
- (b) On expiry or termination of this lease for any reason Lessee shall return the Leased Assets to Lessor.

(12) Early Termination

The Lessee shall have the right, exercisable on one year written notice to the Lessor, to terminate this lease. On the termination date, the Lessee shall surrender the Leased Assets in the condition required to be maintained by the Lessee under this Lease. The Lessee shall not have any claim or remedy against the Lessor except the remedy to terminate this lease as set out herein, except in the case of breach by the Lessor of the terms set out in this lease or the Ground

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Lease, in which case a claim may only be made pursuant to arbitration in accordance with this lease.

(13) Adjustment of Net Book Value

Each of the parties agree at the end of the Term to make or to accept (as the case may be) a one-time payment to adjust for any increase or decrease in the Net Book Value of the Leased Assets that may arise between the commencement date and the expiration date of this lease, adjusted for inflation. If any payment due from the Lessee to the Lessor under this section arises as a result of the Lessee's use of its own staff, equipment and other resources to effect repairs to the Leased Assets or any part thereof, the payment due from the Lessee may be reduced to the extent that the Lessee establishes the net value of such repairs, provided that no claim for any payment by the Lessor to the Lessee shall be made on this basis. If the parties at the expiration of the Term are unable to agree upon the amount of the payment to be made under this Section, then the amount shall be determined by a single arbitrator in accordance with the dispute resolution provisions set out herein.

(14) Dealing with Leased Assets in Ordinary Course of Business

Without limiting the obligation of the Lessee to maintain the Leased Assets and account for them, in accordance with this Agreement, the Lessee shall, during the Term, have full authority to deal with and dispose of the Operating Assets in the ordinary course of business.

6. Default; Remedies of Lessor

(1) Events of Default

Each of the following shall constitute an event of default (an "Event of Default") under this lease:

- (a) if Lessee assigns this lease or sublets, transfers, surrenders or loses possession (except by theft) of any of the Leased Assets, except in the ordinary course of business, whether by seizure, expropriation, abandonment or otherwise;
- (b) if Lessee makes an assignment for the benefit of creditors;
- (c) if Lessee states in writing its inability to pay its debts as they fall due or demonstrates an intention to cease carrying on business;
- (d) if a receiver, receiver-manager, trustee or similar official is appointed for Lessee or any of its property which appointment is not contested by Lessee or which, if contested, is not vacated within ten (10) days of the appointment;
- (e) if a petition in bankruptcy or other proceeding or application for reorganization or liquidation of Lessee under any federal or provincial law is filed or commenced

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by or against Lessee which is not contested by Lessee or which, if contested, is not discharged within ten (10) days of filing;

- (f) if Lessee suspends business, or transfers to one or more other entities all or a substantial part of Lessee's property, or seeks any proposal, arrangement or compromise with its creditors under the Bankruptcy and Insolvency Act (Canada) or any other statute or otherwise, or becomes subject to or does or fails to do any act or thing reasonably considered by Lessor to result in the material impairment of Lessee's ability to perform its obligations under this lease, or as evidencing a lack of intention on the part of Lessee so to do;
- (g) if Lessee commits an act of bankruptcy;
- (h) if Lessee fails to comply with or to perform any other term of this lease provided:
 - (i) Lessee has been given notice of such failure by or on behalf of Lessor and a period of sixty (60) days has elapsed from the date of such notice without Lessee having cured the same, or (ii) where by its nature such failure is capable of being cured but is not capable of cure within sixty (60) days, Lessee has not proceeded diligently to cure such failure or, in any event, if such failure has not been cured within 180 days of such notice; and
- (i) the Lessee shall be in default under the Ground Lease.

(2) Consequences of Default; Remedies

- (a) Upon the occurrence of any Event of Default, Lessor may, subject to any provision of applicable law which cannot be waived:
 - (i) take any proceedings and pursue any remedies available to it under this lease, at law, equity or by statute to compel performance by Lessee of its obligations under this lease or to cure any default by Lessee and/or in the alternative, to recover damages;
 - (ii) with or without terminating this lease, enter personally, or by agents or attorneys, upon any premises where the Leased Assets or any part thereof may be located and repossess all or any part of the Leased Assets without any prior or further demand, notice, court order or other process of law, and may use such force as may be lawful and as circumstances may require, and Lessee hereby releases Lessor from all liability for damage occasioned by such repossession and agrees to indemnify and save Lessor harmless against all claims for such damage;
 - (iii) as agent for Lessee, without terminating this lease and without in any way releasing Lessee from any of its obligations hereunder, re-lease the Leased Assets for such period and upon such terms as Lessor deems fit and apply

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the net proceeds of such re-leasing against amounts payable hereunder (including amounts payable under subsection 6(2)(v));

- (iv) provided such Event of Default has continued unremedied for not less than (insert period) days, or if Lessee has expressed or demonstrated an intention not to remedy such Event of Default, or such Event of Default is not by its nature reasonably capable of being remedied within such period of time, elect to terminate this lease, in which event Lessor may elect to retain or dispose of the Leased Assets in whole or in part, whether by public sale, private sale, lease or otherwise, and at such time and place and upon such terms and conditions (including sale for deferred payments) as are commercially reasonable in the circumstances, and

(3) Exercise of Remedies

The remedies specified in this lease, except the right to monetary compensation in accordance with sections 5(13) and 8(5) hereof, are in addition to any other rights Lessor may have at law, equity or under this lease, and Lessor may exercise any one or more of such rights successively or concurrently.

(4) Waiver, Amendment

No covenant or condition of this lease to be performed or observed by Lessee can be waived except by written consent of the other party. Forbearance by either party in any regard shall not constitute a waiver. No waiver of a single default shall be deemed a waiver of any other, nor shall any single or partial exercise of any remedy preclude any further exercise thereof or of any other remedy of the party not in default. This lease shall not be amended except in writing signed by authorized representatives of each party.

7. Dispute Resolution

Any controversy, question, claim or other dispute arising out of or relating to this lease (a "Dispute") which is not resolved in the first instance by negotiation in good faith between the parties within 14 business days of the Dispute arising, shall be resolved by either party giving written notice to the other that the Dispute is to be submitted to arbitration in accordance with this paragraph. For any Dispute submitted to arbitration, the following provisions shall apply:

- (a) the arbitration tribunal shall consist of one arbitrator appointed by mutual agreement of the Lessor and the Lessee or in the event of failure to agree within 10 business days following delivery of the written notice to arbitrate, any party may apply to a judge of the Superior Court of Justice (Ontario) to appoint an arbitrator. The arbitrator shall be qualified by education and training to pass upon the particular matter to be decided;

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- (b) the submissions of each party shall be in writing, and provided to the arbitrator and the other party within two business days of the dispute being submitted to arbitration;
- (c) the arbitration shall take place in Hamilton, Ontario;
- (d) the arbitrator will make a decision and advise both the parties in writing of the decision no later than 15 business days following the day on which the written submissions are provided to the arbitrator;
- (e) the costs of the arbitration shall be borne equally by the parties;
- (f) the parties shall co-operate promptly and in good faith with the arbitrator to provide full disclosure of information relevant to the dispute;
- (g) the arbitration award shall be given in writing and shall be final and binding on the parties, not subject to any appeal except as set out in the *Arbitration Act, 1991* (Ontario), and shall deal with the questions of costs of arbitration and all related matters;
- (h) all Disputes referred to arbitration (including the scope of the agreement to arbitrate, any statute of limitations, set-off claims, conflict of laws rules, torts claims and interest claims) shall be governed by the substantive law of Ontario;
- (i) the arbitrator shall make such other rules of procedure, evidence and other matters for an arbitration as are reasonable having regard to the timing requirements set out herein;
- (j) the parties agree that the arbitration shall be kept confidential and that the existence of the proceedings and any elements of it (including any pleadings, brief or other documents submitted or exchanged, any testimony or other oral submissions and any awards) shall not be disclosed beyond the arbitrator, the parties, their counsel and any person necessary to the conduct of the proceeding, except as may lawfully be recorded in judicial proceedings relating to the arbitration or otherwise.

8. General

[Note to Draft: This section and section 15 in the Ground Lease should be conformed]

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(1) Time

Time is of the essence of this lease and of the parties obligations.

(2) Notices

Any notice to be given pursuant to the provisions of this lease must be in writing and may be personally served in which case service shall be immediate or may be given by prepaid registered post mailed at a post office in the City of Hamilton and shall be deemed to have been served 72 hours following the day of mailing. The address of the Landlord and Tenant for such purpose is set out in Schedule *. Either party may from time to time notify the other of any change of address.

(3) Successors and Assigns

This lease shall enure to the benefit of and be binding upon the successors and assigns of the Lessor and the successors and permitted assigns of the Lessee, as the case may be. In addition it is acknowledged by Lessee that the benefit of any release or agreement to indemnify Lessor hereunder shall also extend to and be enforceable by any and all directors, officers, employees, agents and representatives of Lessor from time to time, and may be enforced by any one or more of such persons directly against Lessee, or by Lessor as agent, trustee or otherwise for the benefit of such persons.

(4) Waiver

If the Lessor shall overlook or excuse any default by the Lessee of any obligation hereunder this shall not operate as a waiver of such obligation in respect of any continuing or subsequent default and no waiver shall be effective unless expressed in writing. The acceptance of rent by the Lessor from the Lessee or any other entity will not be considered to be a waiver of a breach by the Lessee of its obligations hereunder regardless of the knowledge of the Lessor of the breach at the time of acceptance of the rent.

(5) Force Majeure

If and to the extent that either the Lessor or the Lessee shall be prevented, delayed or restricted in the fulfilment of any obligation hereunder other than the payment of money by the Lessee because of any cause beyond the control of the party affected thereby which prevents the performance by such party of any obligation hereunder and not caused by its default and not avoidable by the exercise of reasonable effort including, without limitation, strikes, labour disturbances, civil disturbance, acts, orders, legislation, regulations or directives of any government or public authority, acts of a public enemy, war, riot, sabotage, earthquake, fire, storm, hurricane, flood, explosion or act of God, it shall be deemed not to be a default in the

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performance of such obligation and any period for the performance of such obligation shall be extended accordingly and the other party to this lease shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned.

(6) Audit

The Lessor shall have the right, at any time and from time to time during the Term, to conduct an audit of the operations of the Tenant for any purposes of determining the Tenant's compliance with the Lease, including without limitation a determination of the Net Book Value of the Leased Assets, and the Lessee agrees to make all books and records, including the working papers of its accountants or auditors, available for review and copying by the Lessors or its representatives in connection with such audit.

(7) Further Assurances

Lessee shall at its own expense do, execute, acknowledge or deliver all such further things, agreements, documents and conveyances as may from time to time be requested by Lessor to give effect to or better protect the rights of Lessor hereunder, including but not limited to completion of such public registrations, except registrations under the *Personal Property Security Act* (Ontario), of or with respect to this lease and Lessor's rights hereunder as Lessor may require.

(8) Assignment

- (a) Lessee shall not assign any of its rights hereunder nor sublet the Leased Assets without the prior written consent of Lessor which shall not be unreasonably withheld. No purported assignment or sub-letting by Lessee in contravention of this subsection shall be of any effect as against Lessor.
- (b) Lessor may assign its rights or transfer any of its obligations under this lease, or both, in whole or in part without notice to Lessee, provided that Lessee shall be bound by any such assignment only upon receipt of notice thereof.

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EXECUTED by the parties as of the date first written above.

**THE CORPORATION OF THE CITY OF
HAMILTON**

By: _____
Title: _____

HAMILTON HARBOUR COMMISSION

By: _____
Title: _____

Schedule 7

CURRENT HHC MARINA EMPLOYEES

Salaried Employees

<u>Name</u>	<u>Date of Hire</u>
Robert W. Hollander	09/15/80
Alan Ross	02/15/88
Timothy J. Mudge	04/10 89
Dennis Ogilvie	05/04/92
Brent Kinnaird	04/18/95
Jeffrey P. Papiez	10/20/80
Phillip S. Prew	01/21/89
John Vandasselaar	03/02/87
Alfred S. Smagacz	04/21/97
Glenn Lethbridge	04/30/80
Leslie Makins	01/12/98

Unionized Employees - C.U.P.E. Local 958

<u>Name</u>	<u>Date of Hire</u>
Alan R. Powell	07/30/79
William K. Souter	10/17/90
Chris Gifford	04/19/93
Zhi-Wei Wang	10/09/90
Geophrey E. Archbold	10/06/97
Gary Sequillion	08/10/98
Ron W. Tremain	02/06/97
Jerry Vermeltfoort	09/25/89

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SCHEDULE 8 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

Framework Agreement

This Agreement made this day of , 2000.

Between: Her Majesty the Queen in Right of Canada as represented by
the Minister of Canadian Heritage ("Canada")

and

The Hamilton Harbour Commissioners ("Commissioners")

and

The Corporation of the City of Hamilton ("City")

In consideration of the mutual covenants contained in this Agreement, the Parties agree as follows:

1. The Commissioners covenant and agree:

- a) to deed to Canada a parcel of land 8.25 acres in area located on Pier 8 comprising part of Hamilton Harbour lands, and more particularly, shown on a sketch, attached as Schedule "A" (the "Lands").
- b) that commercial vessels using the Hamilton Harbour will be allowed to tie-up along the northern perimeter of Pier 8 in front of the Lands used for the Interpretive Centre for the purpose of queuing for loading and unloading along the northern perimeter. Queuing for such loading and unloading purpose will only be allowed if no other place along the northern perimeter for such queuing is available, and only then for the shortest amount of time practicable. No tie-up of vessels in front of the Lands used for the Interpretive Centre will occur between December 31 and April 1 of each year. If queuing for the loading and unloading purpose during the April 2 to December 30 period is unduly interfering with the operation of the Interpretive Centre, the Commissioners shall upon the request of Parks Canada review its practices and effect changes so as to eliminate such undue interference.

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2. Canada covenants and agrees:

- a) to develop an Interpretive Centre on the Lands which will tell the story of national protected heritage areas in Canada, ~~have~~ an explicit focus on national marine conservation areas in Canada's oceans and great lakes as well as tell the specific stories on marine conservation in Lake Ontario.
- b) to sell the Lands in the event that either construction of the Interpretive Centre facility is not completed on or before that date which is 36 months from the termination of any existing leases, or the Lands are no longer used as an Interpretive Centre (the "Event") and that before the Lands are offered for sale to any person or body, Canada shall provide written notice (the "Notice") to the City of the Event and the City shall have the right for a period of one hundred and eighty (180) days after receipt of the Notice to elect to purchase the Lands upon the following terms and conditions:
 - (i) the closing date shall be within one hundred and eighty (180) days from the time the City elects to purchase the Lands;
 - (ii) the purchase price for the Lands shall be the lesser of (1) the fair market value of the Lands; or (2) the undepreciated capital cost of the Interpretive Centre building determined in accordance with generally accepted accounting principles; and
 - (iii) all other terms and conditions of the purchase shall be mutually agreed by the parties, acting reasonably.

Fair market value for the purposes of this agreement means the most probable price available in an open and unrestricted market, between informed and prudent parties, acting at arm's length and being under no compulsion to act, expressed in terms of a dollar value of the average of the estimates provided by each of two real estate appraisers. The real estate appraisers shall have regard to the current nature of the Lands, the then current zoning affecting the Lands, and other factors generally affecting the marketability of lands in making the estimates.

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- c) In the event that the City shall be entitled to exercise its right of first refusal and chooses not to do so, the Commissioners shall be entitled to exercise a right of second refusal to purchase the Lands for one dollar and upon such other terms and conditions of the purchase as shall be mutually agreed to by the parties acting reasonably.

3. The City covenants and agrees:

- a) to provide full municipal services to the lot line of the Lands.
- b) to construct and maintain to City of Hamilton municipal standards a fully-built access road to the southern limits of the site.
- c) to ensure that the City's by-laws, existing and future, permit the use and location as an Interpretive Centre on the Lands.

4. If the parties disagree as to the fair market value of the Lands or the amount of the undepreciated capital cost, the dispute shall be subject to arbitration in accordance with the *Commercial Arbitration Act* R.S. 1985 c. 17 (2nd Supp.) as amended.

5. Canada acknowledges that damages will not be sufficient compensation for the injury suffered to the City should the Lands be transferred in any manner other than as set out herein and that the equitable remedy of a declaration would be appropriate.

6. The parties agree that this agreement may be registered on title to the Lands.

The rights and obligations of the parties under this Agreement are subject to:

- 1. Finalization of definitive agreements to resolve a number of outstanding issues between Canada, the Commissioners and the City with respect to Hamilton Harbour.

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2. Canada obtaining all necessary approvals including those of the Treasury Board.

IN WITNESS WHEREOF, the Minister of Canadian Heritage on behalf of Her Majesty has hereunto set her hand and Hamilton Harbour Commissioners and The Corporation of the City of Hamilton have hereunto affixed their corporate seals attested to by their proper signing officers duly authorized in that behalf.

Minister of Canadian Heritage

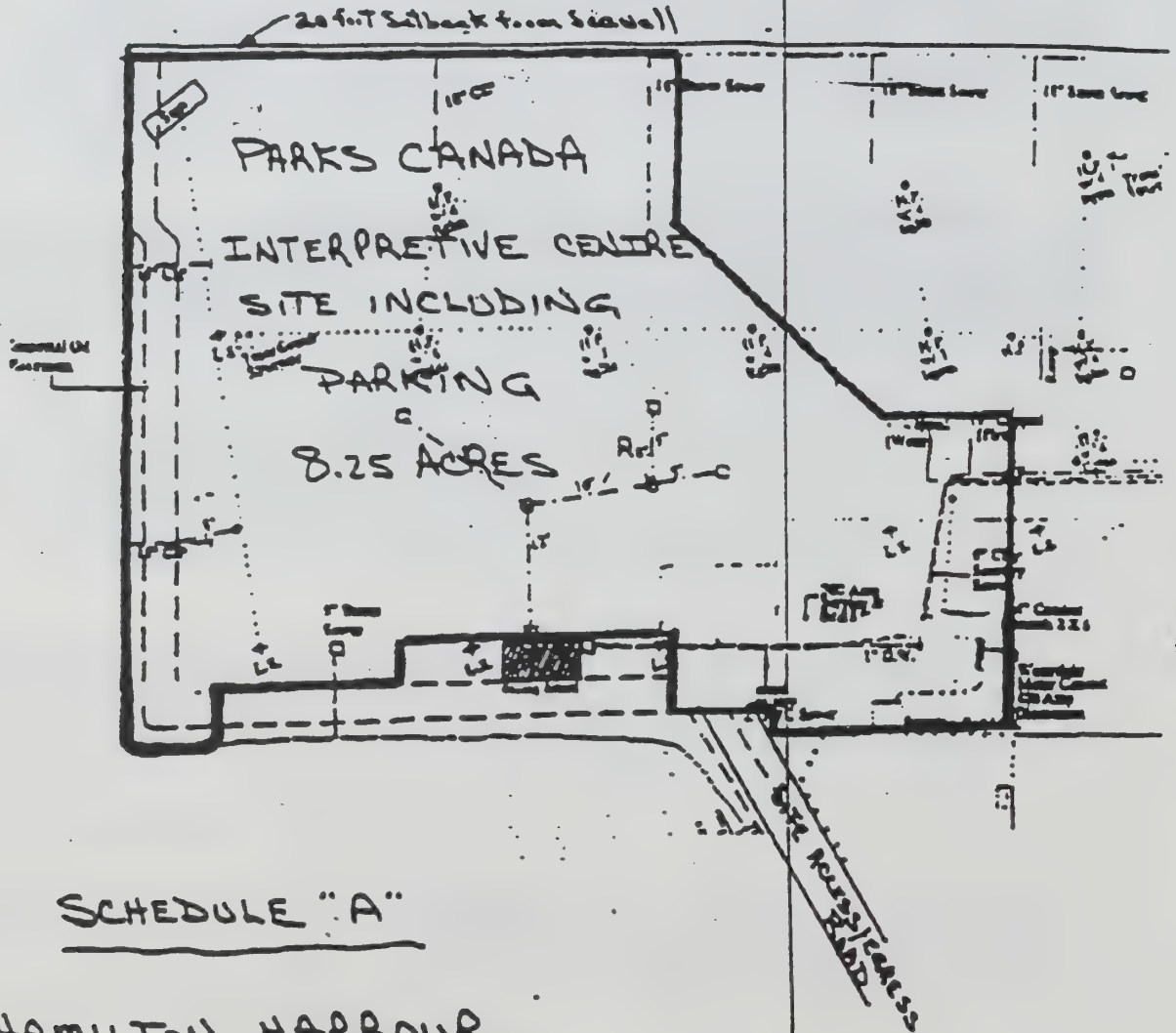
Hamilton Harbour Commissioners

The Corporation of the City of Hamilton

Mayor

City Clerk

Met at 9:00 AM



SCHEDULE "A"

HAMILTON HARBOUR
PIER 8

SCHEDULE 9 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING



Project

926

PIER 8

Date OCTOBER 200

Scale 1:3000

Dwg. No.

SCHEDULE 10 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING



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(00-06-27)

SCHEDULE 11 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

PIER 9 LANDS RIGHT OF FIRST REFUSAL AGREEMENT

This Agreement made in duplicate as of the day of , 2000.

BETWEEN: **HER MAJESTY THE QUEEN IN RIGHT OF CANADA**
as represented by the Minister of National Defence (the "Crown")

and

THE CORPORATION OF THE CITY OF HAMILTON
(the "City")

WHEREAS pursuant to Order-in-Council P.C. 11404 dated December 19, 1941 the Crown accepted an offer to purchase, and did purchase for the sum of \$20,000.00 certain lands in the City of Hamilton lying north of the production easterly of the southern limit of Guise Street between the easterly limit of Catherine Street and the production northerly of the westerly limit of Ferguson Avenue and extending north to the revetment wall on the Hamilton Harbour Front, the said lands aggregating 9.23 acres more or less (the "Pier 9 Lands");

AND WHEREAS the resolution of the City Council dated February 9, 1943 records the interest of the City in obtaining a first option to re-purchase the Pier 9 Lands for the sum of \$20,000.00 in the event that they should cease to be used for purposes relating to national defence;

AND WHEREAS the Crown has erected certain buildings, fixtures and improvements on the Pier 9 Lands;

NOW THEREFORE, in consideration of [refer to relevant Settlement Agreements] and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto agree as follows:

1. If and when the Minister of National Defence, in his sole and exclusive discretion, decides that the Pier 9 Lands have become surplus to the needs of the Department of National Defence, the Crown shall sell the Pier 9 Lands, and that, before the Pier 9 Lands are offered to sale to any other person or body, the Crown agrees to give written notice of the Minister's decision in accordance with [notice provisions herein] and the City shall have the right of first refusal, for a period of one hundred and eighty (180) days after receipt of such notice, to elect to purchase the Pier 9 Lands for the price and upon the terms and conditions contained herein.

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2. If the City elects to exercise its right of first refusal under this agreement, the terms of the purchase of the Pier 9 Lands shall be as follows:

- (a) the purchase price shall be the lesser of:
 - (i) the fair market value of the Pier 9 Lands; or
 - (ii) \$20,000.00 plus the undepreciated capital cost to the Crown of any buildings, fixtures and improvements erected by the Crown on the Pier 9 Lands, determined in accordance with generally accepted accounting principles.

less, in either case, the amount of all costs relating to any remedial measures which may be required further to screening under the *Canadian Environmental Assessment Act*, in so far as the remedial measures have not been taken into account in the estimation of the fair market value;

- (b) the City shall use the Pier 9 Lands, or provide for its use, for open space, parks, recreation, or other purposes that are not incompatible with surrounding port uses;
- (c) the City will accept the land on an as is where is basis, and will assume all costs relating to any remedial measures which may be required further to screening under the *Canadian Environmental Assessment Act*;
- (d) the closing date shall be within one hundred and eighty (180) days from the time when the City elects to purchase the Pier 9 Lands; and
- (e) all other terms and conditions of the purchase shall be mutually agreed by the parties, acting reasonably.

Fair market value for the purpose of this agreement means the most probable price available in an open and unrestricted market, between informed and prudent parties, acting at arm's length and being under no compulsion to act, expressed in terms of a dollar value of the average estimates provided by each of two real estate appraisers, such value to be adjusted by the real estate appraisers having regard to the current nature of the Pier 9 Lands, and other factors generally affecting the marketability of lands.

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3. If the parties disagree as to the fair market value of the Pier 9 Lands or the amount of the undepreciated capital cost, the dispute shall be subject to arbitration in accordance with the *Commercial Arbitration Act*, R.S., 1985, c. 17 (2nd Supp), as amended.

4. [Notice Provisions]

5. The Crown acknowledges that damages will not be sufficient compensation for the injury suffered to the City should the Pier 9 Lands be transferred in any manner other than as set out herein and that the equitable remedy of a declaration would be appropriate.

6. This agreement is conditional upon the settlement of the Superior Court of Ontario action Court File No. 4820/89 between the City, the Crown and The Hamilton Harbour Commissioners and the full and final release of the Crown from all claims contained therein.

7. The parties agree that this agreement may be registered on title to the Pier 9 Lands.

IN WITNESS WHEREOF, the parties have executed this Agreement as evidenced by the signatures of their duly authorized directors, officers or representatives as of the day and year first above written.

HER MAJESTY THE QUEEN IN
RIGHT OF CANADA as represented by
the Minister of National Defence

Per: _____

THE CORPORATION OF THE CITY
OF HAMILTON

Per: _____

SCHEDULE 12 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

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(00-06-27)

Page 1 of 5

REMAINDER LANDS RIGHT OF FIRST REFUSAL AGREEMENT

This Agreement made in triplicate as of the _____ day of _____, 2000.

BETWEEN: **HER MAJESTY THE QUEEN IN RIGHT OF CANADA** as
represented by the Minister of Transport (the "Crown")

and

THE HAMILTON HARBOUR COMMISSIONERS (the "HHC")

and

THE CORPORATION OF THE CITY OF HAMILTON (the "CITY")

WHEREAS following the enactment of *The Hamilton Harbour Commissioners' Act*, S.C. 1912, c. 98, as amended, the City transferred to HHC the lands set out in Schedule "A" attached hereto (the "Lands");

WHEREAS the *Canada Marine Act*, S.C. 1998, c. 10, as amended (the "Act") provides a scheme under which it is proposed that HHC may be continued as the Hamilton Port Authority (the "HPA") for the purposes of operating a port at the harbour located at Hamilton, Ontario (the "Hamilton Harbour");

AND WHEREAS, in the event that

- (i) HHC, or any successor to HHC constituted under legislation enacted by the Parliament of Canada (a "Successor"), including but not limited to the HPA, is required to liquidate its assets prior to its dissolution under subsection 55(1) of the Act, or under any successor legislation enacted by the Parliament of Canada in relation to the operation of a port at Hamilton Harbour (a "Liquidation"), or
- (ii) HHC, or a Successor, is dissolved without liquidation of its assets, under subsection 55(2) of the Act, or under any successor legislation enacted by the Parliament of Canada in relation to the operation of a port at Hamilton Harbour (a "Dissolution"), or
- (iii) neither HHC, nor a Successor, continues to operate, directly or indirectly, any port facilities, at Hamilton Harbour, under the Act, or under any successor legislation enacted by the Parliament of Canada (a "Cessation"),

the parties intend that HHC, a Successor or the Crown, as applicable, shall sell the Lands, or any part thereof, held by HHC or a Successor, at the time of the Liquidation, Dissolution or Cessation (the "Remainder Lands") and that, before the Remainder Lands are offered for sale to any other person or body, the City shall have a contractual right of first refusal to elect to purchase the Remainder Lands in accordance with the terms and conditions of this Agreement;

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Page 2 of 5

NOW THEREFORE, in consideration of [refer to relevant Settlement Agreements] and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties:

1. The parties agree that, in the event of a Liquidation, Dissolution or Cessation (the "Event"), HHC, a Successor or the Crown, as applicable, shall sell the Remainder Lands and that, before the Remainder Lands are offered for sale to any other person or body, HHC, a Successor or the Crown, as applicable, shall provide written notice (the "Notice") of the Event to the City, in accordance with the notice provisions in paragraph 13 below, and the City shall have a contractual right of first refusal, for a period of one hundred and eighty (180) days after receipt of the Notice, to elect to purchase the Remainder Lands from HHC, a Successor or the Crown, as applicable, upon the following terms and conditions:

(a) the closing date shall be within one hundred and eighty (180) days from the time when the City elects to purchase the Remainder Lands;

(b) the purchase price for the Remainder Lands shall be the greater of either: (i) the Liabilities Amount (as such term is defined below); or (ii) the Fair Market Value (as such term is defined below) of the Remainder Lands at the time of the Event;

(c) the City will accept the land on an "as is, where is" basis, excepting encumbrances related to secured liabilities which can be satisfied as a result of the payment of the purchase price; and

(d) all other terms and conditions of the purchase shall be mutually agreed by the parties, acting reasonably.

2. For the purposes of this Agreement, "Fair Market Value" means the most probable price available in an open and unrestricted market, between informed and prudent parties, acting at arm's length and being under no compulsion to act, expressed in terms of a dollar value of the average of the estimates provided by each of two real estate appraisers, less the amount of all costs relating to any remedial measures which may be required to be undertaken pursuant to the *Canadian Environmental Assessment Act*, or other applicable legislation, in so far as the remedial measures will be undertaken by the City and the estimates have not been reduced on account of the cost of those measures. The real estate appraisers shall have regard to the current nature of the Remainder Lands, the then current zoning affecting the Remainder Lands, and other factors generally affecting the marketability of lands, in making the estimates.

3. For the purposes of this Agreement, "Liabilities Amount" means: (a) the total amount of all secured liabilities of HHC, or a Successor, at the time of the Event, relating solely to the Remainder Lands, but if the secured liabilities of HHC, or a Successor, at the time of the Event relate to other lands as well as the Remainder Lands, without distinction as to the proportion of the liabilities attributable to the Remainder Lands and other lands, then this portion of the Liabilities Amount shall be the proportion of the total amount of all of the secured liabilities of HHC, or a Successor, relating to all of the lands, at the time of the Event, which the Fair Market Value of the Remainder Lands bears to the Fair Market Value of all of the lands, at that time; plus (b) that proportion of the total

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amount of all of the unsecured liabilities of HHC, or a Successor of HHC, at the time of the Event, which the Fair market Value of the Remainder Lands bears to the Fair Market Value of all of the assets of HHC, or a Successor, at that time.

4. The parties agree to execute, or cause to have executed, all documents necessary to effect the conveyance to the City in the event that the City exercises the contractual right of first refusal in accordance with paragraph 1 above, including without limitation, transfers, deeds, assignments, or assumption agreements, in registrable form, as applicable.

5. The City acknowledges and agrees that, notwithstanding paragraphs 1 to 4 above, the City shall not: (i) have any interest in the Lands, or any part thereof, or any other lands now held by HHC, until an Event occurs; or (ii) deal with or enforce its contractual right in respect of the Lands, or any part thereof, in any way, or otherwise interfere with the rights of HHC, or a Successor, in respect of the Lands, or any part thereof, or any other lands now held by HHC, including without limitation, any rights of HHC, or a Successor, to sell, transfer, mortgage, lease, license, or otherwise dispose of or deal with the Lands, or any part thereof, or any other lands now held by HHC, free of any claim by the City under this Agreement or otherwise, until an Event occurs.

6. If the City shall fail to exercise its contractual right of first refusal under paragraph 1 above, within the said one hundred and eighty (180) day period, HHC, or a Successor, or the Crown, as applicable, shall be free to sell the Remainder Lands to any other person or body provided that the purchase price shall not be lower than the purchase price required to be paid by the City in accordance with that paragraph.

7. HHC and the Crown acknowledge and agree that all rights, entitlements, immunities, liabilities and obligations of HHC under the terms of this Agreement shall, in the event that HHC is continued as the HPA under the Act, be preserved and transferred to the HPA pursuant to subsection 10(3) of the Act.

8. The City agrees that it shall not assign its rights under this Agreement to any person, or body, other than a successor municipality.

9. For greater certainty, HHC, or a Successor, and the Crown acknowledge and agree to the terms of this Agreement and agree, that after an Event they will not deal with the Remainder Lands in any way that interferes with the rights of the City herein. HHC further acknowledges that damages will not be sufficient compensation for the injury suffered to the City should the Remainder Lands be transferred by HHC, or a Successor, in any manner other than in accordance with this Agreement and that equitable remedies including, without limitation, specific performance or injunction, would be appropriate. The Crown further acknowledges that damages will not be sufficient compensation for the injury suffered to the City should the Remainder Lands be transferred by the Crown in any manner other than in accordance with this Agreement and that the equitable remedy of a declaration would be appropriate.

10. For greater certainty, the parties agree that, except upon the occurrence of an Event, the City will not call for the return, charge, disposition, or transfer of any lands now held by HHC, which are not expressly conveyed to the City pursuant to definitive

DRAFT
(00-06-27)

agreements to settle the Superior Court of Ontario action Court File No. 4820/89 between the parties.

11. This Agreement is conditional upon the settlement of the Superior Court of Ontario action to which reference is made in paragraph 10 above, and upon the full and final release of HHC and the Crown from all claims therein.

12. If any dispute arises under this Agreement and the parties are unable to resolve such dispute, acting reasonably, such dispute shall be subject to arbitration in accordance with the *Commercial Arbitration Act*, R.S.C. 1985, c. 17 (2nd Supp.), as amended.

13. The parties agree to the following provisions for the giving of Notice under this Agreement: [NOTE TO DRAFT: ADD NOTICE PROVISIONS].

IN WITNESS WHEREOF, the parties have executed this Agreement as evidenced by the signatures of their duly authorized directors, commissioners, officers or representatives as of the day and year above first written.

**HER MAJESTY THE QUEEN IN
RIGHT OF CANADA** as represented
by the Minister of Transport

Per: _____

**THE HAMILTON HARBOUR
COMMISSIONERS**

Per: _____

**THE CORPORATION OF
THE CITY OF HAMILTON**

Per: _____

DRAFT
(00-06-27)

SUPERIOR COURT OF JUSTICE

SCHEDULE 13 AS
REFERRED TO IN A
RESOLUTION FOR
OCTOBER 20, 2000
SPECIAL CITY COUNCIL
MEETING

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON

Plaintiff

and

**THE ATTORNEY GENERAL FOR CANADA AND
THE HAMILTON HARBOUR COMMISSIONERS**

Defendants

MINUTES OF SETTLEMENT

WHEREAS The Hamilton Harbour Commissioners (the "HHC") is a corporation established by a special act of the Parliament of Canada entitled *The Hamilton Harbour Commissioners' Act* ("HHCA"), proclaimed in force on April 1, 1912;

AND WHEREAS the Corporation of the City of Hamilton (the "City") has brought this action alleging damages of \$100,000,000.00 in respect of the operation of the HHC and alleging future damages flowing from the proposed repeal of the HHCA by the government of Canada (the "Crown") and the proposed continuation of the HHC as a Port Authority pursuant to the *Canada Marine Act*, S.C. 1998 c. 10 (the "CMA");

AND WHEREAS the City and the HHC, with the assistance of the Crown, have negotiated a resolution of many long-standing areas of disagreement between them including the matters which have given rise to this action, which resolution is more particularly set out in an agreement entitled the Proposal Agreement;

AND WHEREAS the Crown has entered into agreements with the HHC and the City also aimed at resolving areas of disagreement between the parties relating to the lands presently owned by the Crown and known as Pier 9, as well as the Harbour bed and Pier 10;

AND WHEREAS the Crown has also taken the further and separate initiative through its Department of Canadian Heritage to create an Interpretive Centre on 8.25 acres of land on Pier 8 as is more particularly set out in the Interpretive Centre Framework Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the settlement of this action and the mutual covenants herein and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed upon, the parties hereto hereby agree as follows:

1. The Crown shall pay \$21,300,000.00 (TWENTY ONE MILLION, THREE HUNDRED THOUSAND DOLLARS) to HHC in settlement of all claims brought against the Crown by the City herein;
2. HHC and the City shall execute and carry out all the matters set out in the Proposal Agreement substantially in the form attached hereto as Schedule "A";

3. The Crown, HHC and the City will execute the Remainder Lands Right of First Refusal Agreement substantially in the form attached hereto as Schedule "B";
4. The Crown and the City will execute the Pier 9 Right of First Refusal Agreement substantially in the form attached hereto as Schedule "C";
5. These Minutes of Settlement shall constitute a full and final settlement of all matters arising from this action and shall, with the Proposal Agreement, Remainder Lands Right of First Refusal Agreement, and Pier 9 Right of First Refusal Agreement, be determinative and conclusive of the rights of the parties with respect to that litigation.
6. The rights and obligations of the parties under these Minutes of Settlement are conditional upon the receipt by the parties of comprehensive mutual Releases signed by the parties releasing each other from all causes of action and demands they now have or could ever have with respect to events occurring up to the present time in relation to any claims that have or could have been made in this action whether those claims be based upon events occurring prior to or following the present time and whether those claims be in respect of lands held now, formerly held or that are subsequently acquired by HHC or any successor to HHC.

DATED at Toronto, this day of , 2000.

Her Majesty the Queen in Right of Canada

Per: _____

The Corporation of the City of Hamilton

Per: _____

The Hamilton Harbour Commissioners

Per: _____



CORRESPONDENCE

Correspondence
October 31, 2000

1. Letter dated October 5, 2000 from D. A. Lychak, City Manager, New City of Hamilton respecting the Voluntary Early Retirement and Voluntary Exit Program for all employees in the existing municipalities

Recommendation: For consideration

2. Letter dated October 18, 2000 from Glen Peace, Fire Chief re: Amalgamation of Fire Departments – November 2, 2000.

Recommendation: For consideration

3. Petition containing approximately 1100 signatures respecting free parking for the Ottawa Street Business Improvement Area.

Recommendation: Be Received.

4. Application dated October 20, 2000 from S. Amath, 124 MacNab Street North, Hamilton for a change in zoning from "L-c" (Planned Commercial) District to "H" (Community Shopping and Commercial, etc.) District for property located at 124 MacNab Street North.

Recommendation: Be Received.

THE *New!* CITY OF HAMILTON

City Manager's Office

October 5, 2000

Mayor and Members of Council
All Area Municipalities

Chairman and Members of Regional Council
Regional Municipality of Hamilton-Wentworth

As you know, the Transition Board has approved both a voluntary early retirement and voluntary exit program for all employees in the existing municipalities. CUPE Local 5167 has objected to these proposals being available to unionized members. I understand their position at this time is that it can only be offered by area municipalities to the unionized employees.

The Transition Board would like to pursue the offer of the plan it has approved to unionized employees with the area municipalities and the Region of Hamilton-Wentworth acting as the Transition Board's agent. If all the area municipalities and the Region of Hamilton-Wentworth approve the Transition Board's proposal without variation, the Board will then agree to fund the program and coordinate the administration and facilitate the implementation of the program.

Your earliest attention to considering this proposal would be appreciated. Should you have any questions, please feel free to contact me directly (540-5420) or John Johnston (540-5778).

Yours very truly,

D. A. Lychak
City Manager
New City of Hamilton



**CITY OF HAMILTON AND
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH**

**Community Services Division
Hamilton Fire Department**
Telephone (905) 546-3341
Facsimile (905) 546-3344
gpeace@city.hamilton.on.ca

2

**GLEN PEACE
Fire Chief**

October 18, 2000

Jim Bruzzese
Acting City Manager
City of Hamilton

Dear Mr. Bruzzese:

RE: Amalgamation of Fire Departments - November 1, 2000

This is a formal request that the following recommendation be forwarded to your Council for consideration.

RECOMMENDATION:

- a) That the Fire Departments within the Regional Municipal of Hamilton-Wentworth commence amalgamation as of November 1, 2000; and
- b) That the local Council appoint Chief Glen Peace as Fire Chief; and
- c) That the process as outlined in the report of October 12, 2000 to the Transition Board and attached herein (Attachment A) be endorsed.

BACKGROUND:

The Transition Board at the October 17, 2000 meeting endorsed the commencement of the amalgamation of the Area Fire Departments effective November 1, 2000 as per the report from B. Coopersmith, General Manager, Community Services, New City of Hamilton (Attachment A).

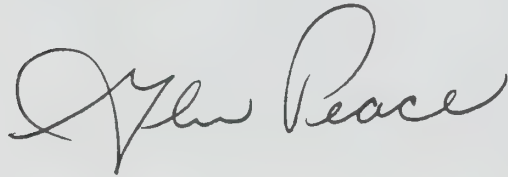
Further, the City of Stoney Creek supported a similar recommendation at their Council meeting of October 10, 2000 (Attachment B).

REPORT:

Given that the report to the Transition Board dated October 12, 2000 (Attachment A) addresses the issues associated with the recommendation, staff recommends that the report stands as is, for the purpose of information and approval of Council.

If requested, I will attend the meetings of the Councils of the area Municipalities to answer questions concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads "Glen Peace". The signature is written in dark ink and is positioned above the printed name and title.

Glen Peace
Fire Chief

GP/so
Attachments (2)

TRANSITION BOARD FOR THE NEW CITY OF HAMILTON

- RECOMMENDATION -

ATTACHMENT A

DATE: October 12, 2000

REPORT TO: Chairman & Members
Transition Board for the New City of Hamilton

FROM: Barry Coopersmith
General Manager, Community Services

SUBJECT: Fire Amalgamation

RECOMMENDATION:

- a) That the General Manager, Community Services for the New City of Hamilton be authorized to commence the amalgamation of the Fire Service; and
- b) That all area municipalities be asked to proclaim Chief Glen Peace as Fire Chief; and
- c) That, with the approval of the respective Councils, the amalgamation is to commence as of November 1, 2000; and
- d) That the process is to be as outlined in this report.

General Manager, Community Services

EXECUTIVE SUMMARY:

The amalgamation of the six Fire Departments within the Region will form one of the largest composite fire services in the country, utilizing a combination of career, part-time, and volunteer firefighters servicing the New City from 25 stations.

Management of the new Hamilton Fire Department remains committed to service delivery within urban and rural standards.

The delivery of emergency service by career firefighters in the urban core is supported by volunteers in the rural areas and a combination of career and volunteers in the interface of the two standards.

The amalgamation of the fire services will produce efficiencies in service delivery through the elimination of existing municipal boundaries and responding firefighters from the closest station.

Further, the taxpayer will realize tax dollars saved through the rationalization of resources and cost avoidance in consolidated building, staff and apparatus resources.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

FINANCIAL

It is anticipated that there will be no negative effect on the current budgets as costs incurred in this next level of the amalgamation have been addressed within the respective Departments' operating budget for 2000.

The New City Fire Department has projected annual savings of \$500,000 after full implementation due to the elimination of what have been identified as redundant positions.

STAFFING

As outlined in the Fire/Ambulance/Police Task Force Final Report, a number of positions were declared to be redundant; these positions are:

Position	Full-time	Part-time	Total
Fire Chief	4	1	5
Deputy Fire Chief	2	1	3
Support Staff			3

The reduction of the above administrative positions will reduce the total number of full-time staff from 514 to 503 without any negative effect on service delivery.

BACKGROUND:

As per the direction of the Transition Board and the City Manager, D. Lychak, Chief Peace met with the various stakeholders from the six area Fire Departments and their respective municipalities.

The meetings were intended to provide opportunities for local politicians, senior staff, and firefighters from both the volunteer and career ranks to openly discuss issues surrounding the amalgamated Fire Departments.

In general, the meetings were positive and provided the venue to address concerns related to the delivery of a composite fire service within the urban/rural standards model.

REPORT:

As indicated, the New City of Hamilton Fire Department will be a composite fire service; a combination of career, part-time, and volunteer firefighters.

To-date the new Department has appointed a Chief, a Deputy Chief of Support and Administration, as well as a Deputy Chief of Operations.

A number of key positions are being recommended to be immediately filled through secondments.

In previous reports an "action plan" (Appendix A) was forwarded to the Board for its perusal. It is staffs' recommendation that we proceed to amalgamate the six area Fire Departments as per that plan.

This would require the filling of positions within the new Department as per the attached organizational chart (Appendix B) before further action can commence.

Position	Number of Positions
Filled Through Hiring (Non-Union Positions)	
Chief of Training	1
Assistant Chief of Training	1
Filled Through Secondment (Union Positions)	
Training Officer (Volunteer Division)	2
Training Officer (Risk Management /OH&S/ Emergency Preparedness)	1
Mechanic - for expanded fire and ambulance fleet	2
Fire Investigator/Public Education, Information Officer	1
Fire Inspector	2
Administrative Support	3

CHIEF OF TRAINING Training for the Fire Department is integral to the ability to deliver the varied service required by the citizens. The management of the diverse educational programs for over 850 staff is the responsibility of this position.

ASSISTANT CHIEF OF TRAINING & TRAINING OFFICERS The new Hamilton Fire Department will have over 320 volunteer firefighters. To ensure the New City is able to continue to use volunteers in a productive, cost-effective manner requires a full time committed manager as well as training staff to ensure all current standards, policies and procedures are being met in an environment where volunteer staff meet to train in the evenings on a part-time basis.

TRAINING OFFICER (RISK MANAGEMENT/OCCUPATIONAL HEALTH & SAFETY/EMERGENCY PREPAREDNESS) This multi-portfolio position would be responsible for the area defined by risk management. As a provider of Emergency Service to nearly a half million people over 1,200 square kilometres, our responsibility is to assess potential hazards and adjust service delivery requirements in co-operation with other Divisions such as Training, Prevention and Operations. To respond effectively requires an up-to-date and accurate target hazard inventory within the New City.

Secondly, with over 25 work locations, a restructured O. H. & S. Committee and the need to remain current with all standards, this position will be the management's representative on numerous working committees as well as liaising with corporate staff responsible for these issues.

Once again, this "multi"-functional position will ensure as an organization we are prepared for a declared emergency, and the staff member will come from within the current complement. The position fills a long-standing void in our ability to deliver an efficient and effective service.

MECHANICS This requirement is based on efficiencies being developed by bringing the Ambulance Maintenance in partnership with the Fire Maintenance Division. This partnership increases this highly technical and specialized fleet by approximately 40 vehicles. Further, the amalgamation of the Fire fleet doubles the current number of Fire apparatus requiring service.

The additional staff will be financed on a full cost recovery basis from Ambulance and the transfer of the maintenance line item from the five surrounding Fire Departments' operating budgets. There will be no additional cost to the taxpayer.

FIRE INVESTIGATOR/PUBLIC EDUCATION/INFORMATION OFFICER This position, as with the others, shall be filled from the current staff complement. This new position fills a shortfall in Fire's delivery of a multi-tasked emergency service.

For the last decade, the number one cause of fire in the City of Hamilton has been related to arson. As an organization, we need to improve our success rate through joint investigations with Police and the Office of the Fire Marshal, and public education including a strong communication link with the public through Corporate Communications.

ADMINISTRATIVE SUPPORT STAFF These positions are to be filled by current employees. This recommendation would be to second the positions to ensure our administrative process are standardized. It should be noted that a number of current support staff is required to ensure each Division within the new Department is able to function. Seconding support staff as per previous practice will allow the amalgamation process to move forward.

In order to facilitate the amalgamation, a single Fire Administration must be developed. This would, therefore, require the declaration of Senior Fire Management positions as well as several support positions as being redundant.

Affected staff would be provided with employment options as per Human Resources and local municipal policies.

CONCLUSION:

The new Fire Department for the City of Hamilton faces many challenges in the future:

- assimilating the different cultures within the career and volunteer fire services;
- creating a new collective agreement from the current four.

Management has met with the Presidents of the respective Fire Locals in an informal session. It appears maintaining the current four collective agreements intact will become part of a negotiating strategy until a new consolidated agreement is reached. Management will be forced to determine if any of these issues have a negative impact on our ability to deliver service to our citizens within the amalgamated. If so, Management will be required to move forward to guarantee the needs of the public are met in this time of change.

There is a need to move toward a "performance based Fire Service" where quality service will be combined with efficient operations. The cost of service levels will be more apparent, allowing the New City to compare Fire's performance against other municipalities.

Finally, the Administration of the new Fire Department will be faced with providing a diverse service in a dual standard of urban/rural requirements. Further, there will be the need to address the deficiencies in service in the communities of Dundas, Waterdown, and Winona as described in the Dillon report. This shortfall impacts the area rating of each of the respective municipalities that form the New City.

It is the need to meet the challenge of mitigating any consequences resulting from the identified voids or shortfalls that forms the basis of this recommendation.

Despite these challenges, management remains confident that the newly amalgamated Fire Department will provide an improved emergency service to citizens of the New City of Hamilton. A new Fire Department delivered by a composite work force to ensure the citizens of our City receive the highest quality of fire service in a cost-effective and efficient manner.

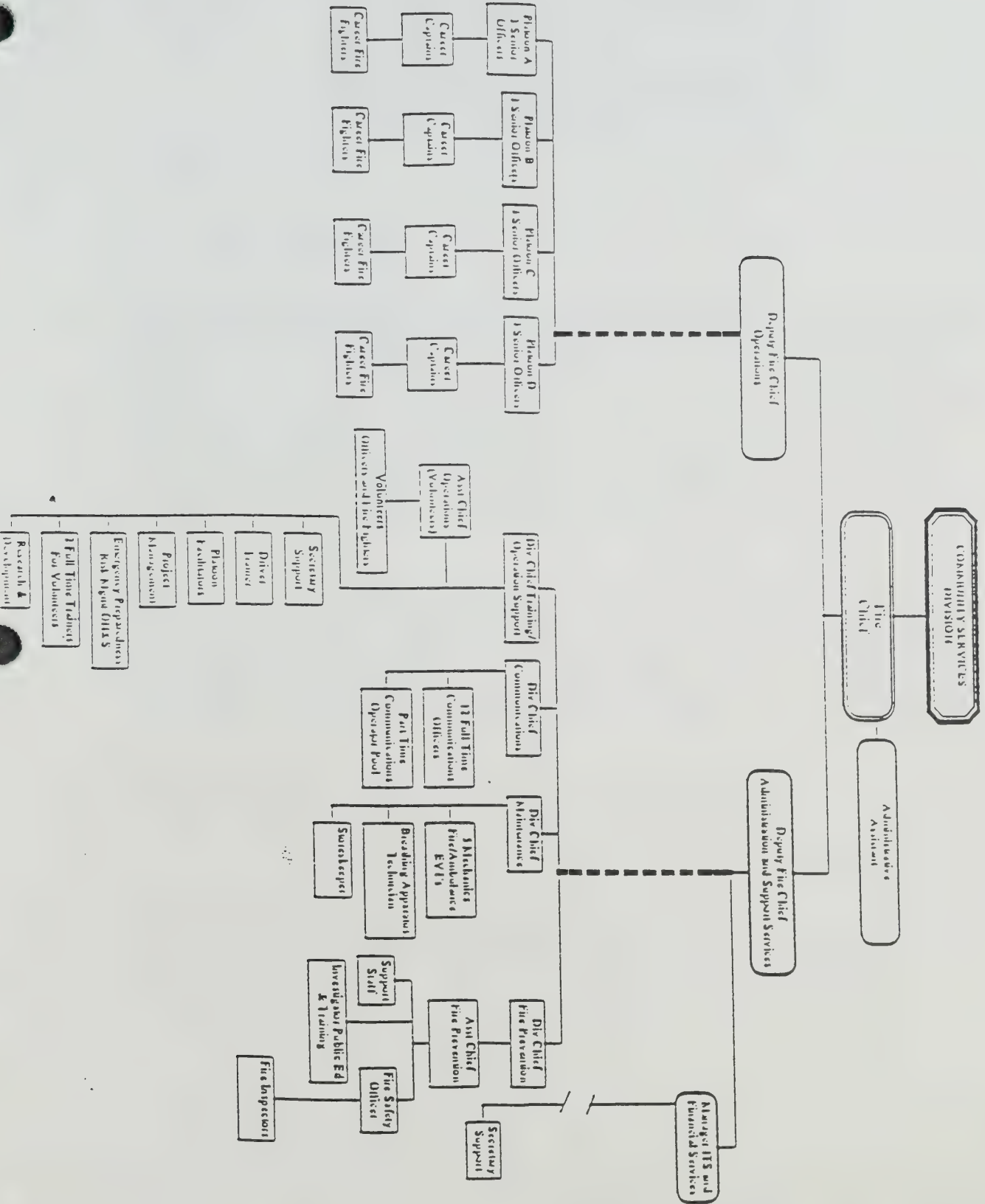
**RECOMMENDED IMPLEMENTATION & ACTION PLAN
FIRE/AMBULANCE/POLICE TASK FORCE**

FIRE

- 1) Select the "Administration" of the new City of Hamilton Fire Department.
- 2) Voluntary exit of redundant positions.
- 3) Commence action plan for amalgamation of the six area Fire Departments into one.
NOTE: Recommendations from Dundas and Ancaster, and current situation in Stoney Creek.
- 4) Complete detailed organization chart.
- 5) Fill existing vacancies.
- 6) Complete detailed inventory for all assets of amalgamated Department.
- 7) Dispose of surplus fleet; rationalize existing and future requirements for fleet, equipment etc.
- 8) Complete detailed Capital and Current Budgets.
- 9) Commence discussions with Fire Associations regarding developing a single Collective Agreement from the current four Collective Agreements.
- 10) Form working committees to address:
 - Training
 - Volunteer Firefighters – Recruitment/Retention
 - Develop action plan for standardization of equipment
 - Standardization of operating Policies, Procedures, and Guidelines
- 11) Commence Phase II – Ambulance/Fire partnership re: joint accommodations suburban locations.
- 12) Complete Station ID and changes to CAD to facilitate Fire dispatch functions as a single Department.

NEW CITY OF HAMILTON FIRE DEPARTMENT ORGANIZATION CHART

APPENDIX B





October 26, 2000

Attn: Kevin Christenson

Dear Kevin: Please find enclosed, a copy of the petition circulated on behalf of the Ottawa Street Business Improvement Area. The request is for free parking on Saturdays throughout the year as well as free parking for the months of February and March. In only 10 days, we have accumulated over 1000 names of people who wish to see this request fulfilled. Could you please process this petition in order for it to be discussed at next Tuesday's Council meeting as per my discussions with Susan Reeder?

I have provided copies of this letter to all 4 Ward Alderman to advise them of this issue before the Council meeting. I have also forwarded copies to Rick Walshaw and Hart Solomon. We have been working with the traffic department on other issues and we wanted to keep them in the information loop.

Thank you for your assistance on this important issue.

Patty Despinic
For Ottawa Street BIA Board of Directors

October 17, 2000

PETITION FOR FREE PARKING
OTTAWA STREET BIA

The Board of Directors of the Ottawa Street BIA is requesting, from the City of Hamilton, free parking on Saturdays and during the months of February and March both in the Municipal lots and at the parking metres on Ottawa Street. This request comes on the basis of equity amongst all BIA's to have the same services as the Downtown. We would like this program implemented for the 2001 Calendar year.

Signed as follows:

PRINT NAME

ADDRESS

SIGNATURE

1 A LUTZER 1647 TOBY
2 D GROVER 221 BALMORAL
3 Antasha 75 LORNE Ave
4 D VERNEY 248 OTTAWA ST
5 S. S. 43 WILSON ST
6 S O'NEIL 78 GRAHAM ST
7 B. HICKS 1042 MCGILL
8 B. Barclay
9 M. WISNIEWSKI 171 MC
10 BILL SWENOR 54
11 Nema Zinic 9
12 Audrey SIBBALD
13 G. Rozman YRE CRT.
14 M. WILSON Kinross St
15 M. CRAIG BIRCH Ham
16 Norman D. DODENICO 1 Belmont
17 E. ACHENWITZ 89 E 13th St
18 Lynn Zellen 89 Colonial Grimsby
19 K. KASPERSKI BURLINGTON
20 ALAN 65 HAROLD CT AGNES HARRIS
21 LEN OSKROBA 346 MOUNTAIN BROW BLVD. Leonard Oskroba
22 R. Harrington 609 Clark Ave Burlington L7S1P
23 J. SIFRER 1214 SABLE DR. BURLINGTON L7S2J7

SAMPLE PAGE OF A PETITION CONTAINING APPROX. 1,100 SIGNATURES

**TRANSPORT & ENVIRONMENT
COMMITTEE**



REPORT

CITY OF HAMILTON TRANSPORT AND ENVIRONMENT COMMITTEE

Monday, October 23, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present:

Alderman C. Collins (Chairperson), Alderman D. Wilson (Vice-Chairperson), Mayor R. M. Morrow, Aldermen M. Kiss, A. Horwath, B. Morelli, T. Jackson, T. Anderson, F. D'Amico

Also Present:

Aldermen M. Caplan, R. Corsini
M. Hazell, R. Meiers, H. Groen, K. Extance,
C. Lee-Morrison, C. Biggs

Alderman C. Collins, Chairperson, called the meeting to order.

THE TRANSPORT AND ENVIRONMENT COMMITTEE PRESENTS REPORT 15-00 AND RESPECTFULLY RECOMMENDS:

1. **Hamilton Bio-Conversion Inc., 2380 Brampton Street – Application to Amend Certificate of Approval No. 6682-4JJPEZ for a Waste Disposal Site (Processing) (PDC99027b) (Item 3)**
 - (a) That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that the City of Hamilton has no comments on the proposed Amendment to Certificate of Approval No. 6682-4JJPEZ (MOE Reference Number 321404LXL9T) for the facility known as Hamilton Bio-Conversion Inc. located at 2380 Brampton Street, as shown on Appendix "A" attached hereto; and,
 - (b) That a copy of this report be forwarded to the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment for their consideration; and,
 - (c) That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be requested to forward a copy of the decision respecting the proposed Amendment to the Certificate of Approval for Hamilton Bio-Conversion Inc. to the Municipal Clerk, City of Hamilton.

2. Canadian Liquids Processors Limited (Royal Recycling), 15 Biggar Avenue – Application for Amendment to Certificate of Approval No. A65041 (PDC00174) (Item 4)

- (a) That the recommendations contained in Report PDC00174 respecting the application of Canadian Liquids Processors Limited (Royal Recycling) for an Amendment to Certificate of Approval No. A65041 at 15 Biggar Avenue, Hamilton, not be accepted; and,
- (b) That a copy of Report PDC00174 be forwarded to the West Central Branch of the Ontario Ministry of the Environment for their consideration; and,
- (c) That the West Central Branch of the Ontario Ministry of the Environment be requested to forward a copy of its final decision respecting the proposed amendments to Certificate of Approval No. A650041 to the Municipal Clerk, City of Hamilton.

3. Winter Maintenance (PWT00174) (Item 6)

- (a) That the City of Hamilton's continuing participation in inter-municipal co-operation regarding snow clearing operations be approved; and,
- (b) That the recommended changes to snow clearing routes shown on Appendix "B" attached hereto, be approved; and,
- (c) That the responsibility for winter snow clearing operations on those Regional Roads identified on Appendix "C" attached hereto, be transferred to the appropriate municipalities.

4. Routine Amendments to the City Traffic By-law 89-72 – Transport and Environment Committee Meeting – October 23, 2000 (PWT00176) (Item 8.1)

That the requests for routine amendments, attached hereto as Appendix "D", be approved, and that an appropriate by-law to amend the City Traffic By-law 89-72 be passed and enacted.

5. Appointment of By-law Enforcement Officers (PWT00179) (Item 8.2)

- (a) That, in accordance with Section 15(1) of the Police Services Act, 1990, the following persons be appointed as By-law Enforcement (Parking Control) Officers:

Michael Weingartner
Rae A. Greenwood

Brian Lanto
Donna May Lord

Julie Stonehill
Ed Vanderwindt
Jim Swire
Len Gray
Roy Markle
Bill Olmstead
Randy Charlton
Brenda Beck
Geoff Stephenson
Pat Pearce
Ron Arnold
Morris Edwards

Rose Frederick
Ron Smith
David Campbell
Peter Vanderbeek
Steve Warner
Jay Appell
Michelle Bain
Andy Travers
Ron Kirouac
John McCaffrey
Nicole Savoy
Juanita Flokstra

- (b) That the following appointments as By-law Enforcement (Parking Control) Officers be repealed:

Robert Bishop
Cyril Villa

Ted Arthurs
Paul Buckle

6. A By-law to Sell a Portion of Dulgaren Street (CS00025a) (Item 8.3)

- (a) That the by-law to sell a portion of Dulgaren Street, being unopened road allowance and being Parts 1, 2, 3, 4 & 5 on Plan 62R-15337, (formerly Part 1 on Plan 62R-14087), be passed and enacted by Council; and,
- (b) That the General Manager of Transportation and Operations be authorized and directed to register the by-law at the Land Registry Office.

7. A By-law to Stop up, Close and Sell a Portion of Bedford Street (CS00029a) (Item 8.4)

- (a) That the by-law to stop up, close and sell a portion of Bedford Street, being unopened road allowance and being Parts 28 and 29 on Plan 62R-12578, be passed and enacted by Council; and,
- (b) That the General Manager of Transportation and Operations be authorized and directed to register the by-law at the Land Registry Office.

8. To Incorporate Certain City Land into Various Streets by By-laws (TOE00016) (Item 8.5)

- (a) That the following City land be incorporated into the following streets:

Southridge Drive	Parts 8 and 11	62R-15300
Crerar Drive	Block 45 Parts 1, 2, 3 and 4	62M-495 62R-15211
Lynnette Drive	Block 20 Parts 3 and 4	62M-719 62R-15560
Massena Drive	Block 67	62M-663
Matthew Street	Part 7	62R-14441

- (b) That the by-laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of Corporate Counsel and be enacted by Council; and,
- (c) That the Acting General Manager of Transportation, Operations, and Environment be authorized and directed to register the by-laws.

9. Centennial Parkway and Arrowsmith Road – Cascade Street Cul-de-Sac – Home Depot Development (TOE00017) (Item 8.6)

- (a) That The Home Depot Canada be reimbursed in the amount of \$44,265.09 for construction of the roadway improvements on Cascade Street, Arrowsmith Road, and Centennial Parkway completed in 1997 and 1998;
- (b) That this reimbursement to The Home Depot Canada be financed from COHAM Dept. ID 100045 Reserve for Services Through Unsubdivided Lands;
- (c) That The Home Depot Canada be advised of these actions.

10. 30 Belmont Street, Hamilton – Parking Regulation (New Business – No Copy)

That a full-time “No Parking” regulation be implemented on the east side of Belmont Avenue, commencing 203 feet south of Dunsmure Road and extending to a point 24 feet southerly therefrom, and that City Traffic By-law 89-72 be amended accordingly.

11. Parking Regulation – Burlington Street East, between James Street North and Mary Street, Hamilton (New Business – No Copy)

That the existing “No Parking” regulation on the north side of Burlington Street East, between James Street North and Mary Street, be removed, and that City Traffic By-law 89-72 be amended accordingly.

12. Intersection Control – Various Locations in the City of Hamilton
(New Business – No Copy)

- (a) That a three-way stop control at the intersection of Lottridge Street and Clinton Street, be implemented; and,
- (b) That the existing eastbound and westbound stop control at the intersection of Queensdale Avenue and East 33rd Street, be removed; and,
- (c) That an all-way stop control at the intersection of East 33rd Street and Munn Street, be implemented; and,
- (d) That a three-way stop control at the intersection of Templemead Drive and Tudor Street, be implemented; and,
- (e) That an all-way stop control at the intersection of Abeline Avenue and Dunsmure Road, be implemented; and,
- (f) That an all-way stop control at the intersection of Monterey Avenue and Cameron Avenue South, be implemented; and,
- (g) That an all-way stop control at the intersection of Earl Street and Princess Street, be implemented; and,
- (h) That an all-way stop control at the intersection of Ruth Street and Case Street, be implemented; and,
- (i) That an all-way stop control at the intersection of Ewen Road and Whitney Avenue, be implemented; and,
- (j) That an all-way stop control at the intersection of Chedmac Drive and Redfern Avenue, be implemented; and,
- (k) That an appropriate by-law to amend City Traffic By-law 89-72 be passed and enacted.

13. Staffing Complement – Public Works and Traffic Department (Item 9.1)

That the Acting City Manager of the City of Hamilton be directed to authorize the hiring of twenty-seven full-time employees immediately to the Public Works and Traffic Department.

14. Bills

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-059 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic
- (b) A-060 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic
- (c) A-061 Being a By-law to Sell part of Dulgaren Street, City of Hamilton
- (d) A-062 Being a By-law to Close and Sell part of Bedford Street, City of Hamilton
- (e) A-063 Being a By-law to incorporate City land designated as Parts 8 and 11 on Plan 62R-15300 into Southridge Drive
- (f) A-064 Being a By-law to incorporate City land designated as Block 45 on Plan 62M-495 and designated as Parts 1, 2, 3 and 4 on Plan 62R-15211 into Crerar Drive
- (g) A-065 Being a By-law to incorporate City land designated as Block 20 on Plan 62M-719 and designated as Parts 3 and 4 on Plan 62R-15560 into Lynnette Drive
- (h) A-066 Being a By-law to incorporate City land designated as Block 67 on Plan 62M-663 into Massena Drive
- (i) A-067 Being a By-law to incorporate City land designated as Part 7 on Plan 62R-14441 into Matthew Street

THE FOLLOWING ITEMS NOT REQUIRING COUNCIL APPROVAL WERE RECEIVED AND/OR NOTED:

(a) Declarations of Interest (Item 1)

None declared.

(b) Adoption of Minutes – October 2, 2000 (Item 2)

The Minutes of the Transport and Environment Committee meeting held on October 2, 2000 were adopted as circulated.

- (c) **Road Allowance Width Policy – Christie Street – Intersection of Rymal Road and West 5th Street/Christie Street, City of Hamilton (TOE00018) (Item 5)**

At the request of Alderman F. D'Amico, the above-noted report was **tabled**.

- (d) **Transfer of Responsibilities for Parking Enforcement and School Crossing Guard Operations from the City of Stoney Creek to the City of Hamilton (PWT00188) (Item 7)**

Report PWT00188 respecting "Transfer of Responsibilities for Parking Enforcement and School Crossing Guard Operations from the City of Stoney Creek to the City of Hamilton", was received.

- (e) **Personnel Matter – Public Works and Traffic (Item 9)**

The Committee moved In Camera to discuss this matter, and reconvened in Open Session.

- (f) **Information Items (Item 8.7)**

The following items were received:

- (i) Costs of Allowing Free Parking in Business Improvement Areas (B.I.A.'s) for the Months of November and December 2000 (PWT00185)
- (ii) Correspondence from the Ministry of the Environment re: Application for Approval of Waste Disposal Site (Processing) – 675 Strathearne Avenue, Hamilton – Walcorp Inc.

- (g) **OTHER BUSINESS (Item 10)**

- (i) **Mary Street Bridge**

Alderman A. Horwath expressed concern relating to the safety of the public using the Mary Street Bridge because of the existing barrier which runs the full length of the bridge. Staff was requested to look into the removal of the barrier in order to increase the safety of the residents in the neighbourhood.

(ii) Buried Cables

Alderman A. Horwath advised that she had received a request from residents respecting the provision of burying hydro cables in the north end, near Bayfront Park. Staff indicated that a Council policy currently exists which directs that such works be done when it is mutually beneficial to both hydro and the City at the time of reconstruction of the roads and sidewalks.

(iii) Pesticide Use

Mayor R. Morrow raised concern on the use of pesticides on the city-owned flower islands, and requested that staff bring a report forward to the new Council on this matter.

There being no further business, the Committee adjourned at 11:00 a.m.

**Alderman C. Collins, Chairman
Transport and Environment Committee**

**Carolyn Biggs, Legislative Assistant
October 23, 2000**

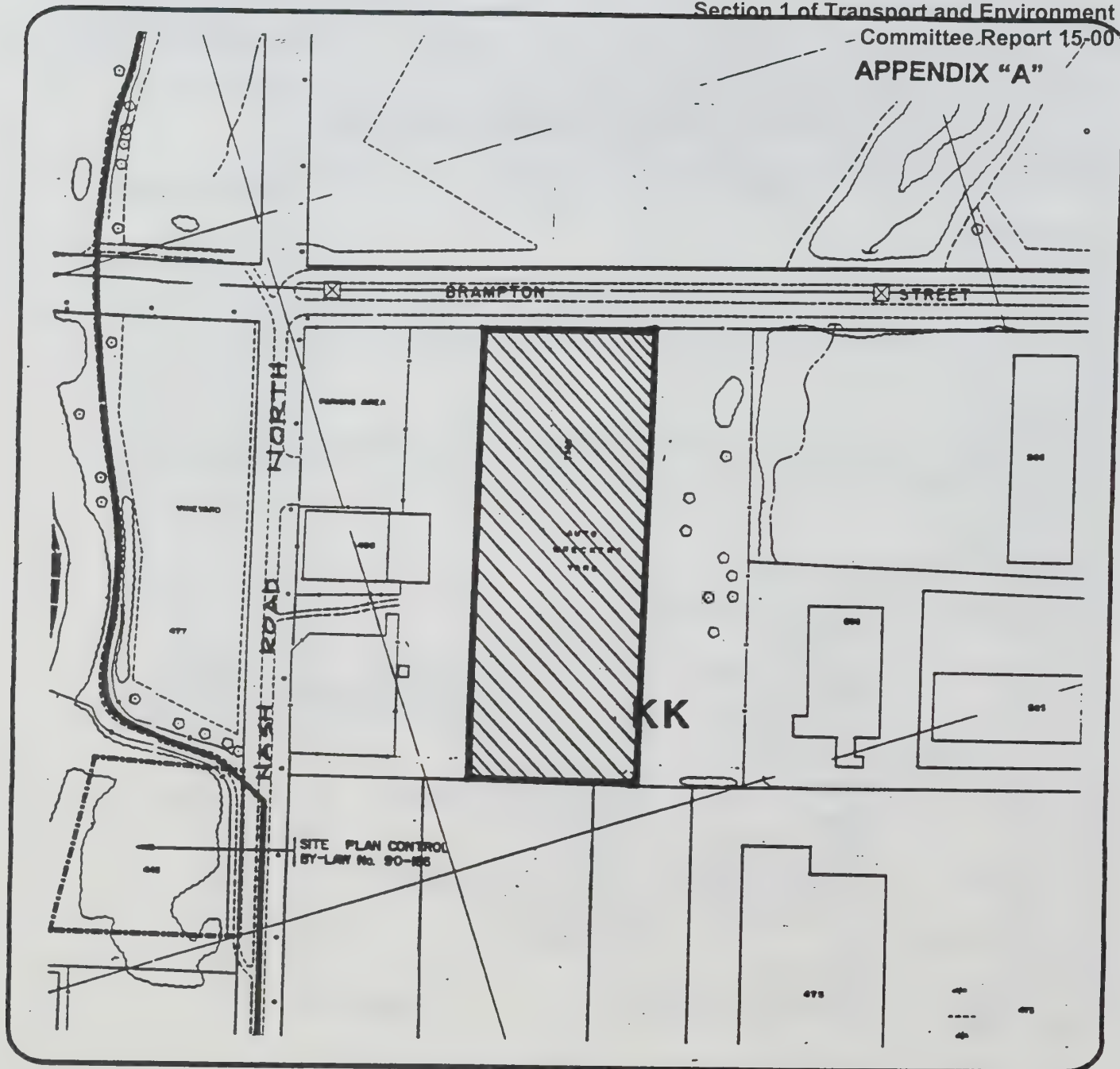
Appendix "B" as referred to in
Section 3(b) of Transport and Environment
Committee Report 15-00

Proposed Changes in Municipal Boundaries

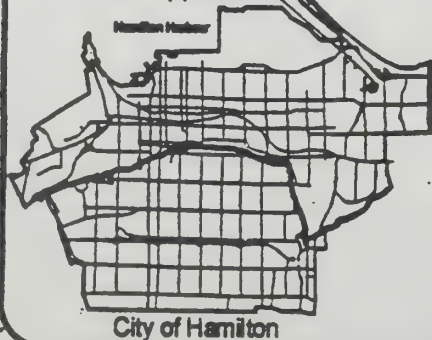
Street	From	To	Transfer from/to
Aldercrest Ave.			Glanbrook to Ham
Seneca Ave.			Glanbrook to Ham
Springside Dr.			Glanbrook to Ham
Alderlea Ave.			Glanbrook to Ham
Spalding Dr.			Glanbrook to Ham
Stagecoach Dr.			Glanbrook to Ham
Homebrook Dr.			Glanbrook to Ham
Portage Lane			Glanbrook to Ham
Butterfield Court			Glanbrook to Ham
Comfort Court			Glanbrook to Ham
Saveryn Road			Glanbrook to Ham
Mother St.			Glanbrook to Ham
Powerline Crt.			Glanbrook to Ham
King Street	Greenhill	Centennial	SC to Hamilton
Local Streets	W of Centennial	bet. Queenston & King	SC to Hamilton
The Linc	Winterberry	Upper Centennial (Hwy 20)	SC to Hamilton
Old Mud Street	Mt. Albion Hill	north turnaround	SC to Hamilton
Upper Mount Albion	Old Mud St.	north turnaround	SC to Hamilton
Paramount	Pritchard	Upper MtAlbion/Rymal	SC to Hamilton
Highway 56	Rymal	Haldibrook Rd.	Ham to SC
Highland	Upper Mt Albion	Pritchard	Ham to SC
Local Streets	bet Gray, Queenston,	Centennial & Lake Ont	Ham to SC
Gray Road	Queenston Rd	Lake Ontario	Ham to SC
Queenston Road	Gray	Centennial	Ham to SC
Centennial	Queenston	Lake	Ham to SC
North & South Service Road	Centennial	City Limits	Ham to SC

Appendix "A" as referred to in
Section 1 of Transport and Environment
Committee Report 15-00

APPENDIX "A"



Site of the Application



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

 **SUBJECT LANDS:** 2380 Brampton Street

Reference file:

ENV-MOSCOA-00-05

Scale

Not to Scale

Date

February, 1999

Technician:

B. B.



Appendix "C" as referred to in
Section 3(c) of Transport and Environment
Committee Report 15-00

Proposed Regional Road Transfers to Municipality

Transfer to Glanbrook (36.2 centre-line kilometres)

Street	From	To
Regional Class #3 Roads		
Whitechurch Rd.	Nebo Rd.	Trinity Church Rd.
Binbrook Rd.	Trinity Church Rd.	Niagara Boundary
Hall Rd.	Blackheath Rd.	#56 Highway
Homestead Dr. N.	Airport Rd.	#6 Highway

Regional Class #4 Roads

Miles Rd.	Rymal Rd.	Dickenson Rd.
Dickenson Rd.	#6 Highway	Nebo Rd.
Woodburn Rd.	#20 Highway	Binbrook Rd.
Fletchers Rd.	Rymal Rd.	Kirk Rd.
Kirk Rd.	Fletchers Rd.	#56 Highway
Harrison Rd.	Kirk Rd.	H.C.A.
Blackheath Rd.	Hall Rd.	Haldibrook Rd.
Homestead Dr. S.	Airport Rd.	#6 Highway

Transfer to Ancaster (17.05 centre-line kilometres)

Regional Class #3 Roads

Jerseyville Rd.	Wilson St.	Martin Rd.
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Regional Class #4 Roads

Jerseyville Rd.	#52 Highway	Martin Rd.
Jerseyville Rd.	Sunnyridge Rd.	Brant boundary
Sunnyridge Rd.	#2 Highway	Jerseyville Rd.
Old Mohawk Rd.	Mohawk Rd.	dead end
Glancaaster Rd. North	Rymal Rd.	Dickenson Rd.
Glancaaster Rd. South	Airport Rd.	Whitechurch/Carluke

Transfer to Flamborough (14.0 centre-line kilometres)

Street	From	To
Regional Road Class #4/5		
Sheffield Rd.	#8 Highway (Old)	#5 Highway
Sheffield Rd.	#8 Highway (Old)	Safari Rd.
Sheffield Village	#8 Highway	#8 Highway
Rockton Village	#8 Highway	#8 Highway
Woodhill Rd.	#8 Highway	#5 Highway
Freelton Rd.	#6 Highway	Freelton Rd. (11 th Conc E)

Transfer to Stoney Creek (13.9 centre-line kilometres)

Regional Road Class #2

#56 Highway	Rymal Rd. East	Binbrook Rd.
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Regional Road Class #3

#56 Highway	Binbrook Rd.	Regional boundary
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Regional Road Class #4

Haldibrook Rd.	#56 Highway	dead end (land fill)
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Transfer to Dundas (1.8 centre-line kilometres)

Regional Road Class #1 (Escarpment Crossings)

#8 Highway	Bond St.	Brock Rd. (Bullocks Corners, Greensville)
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Appendix "D" as referred to in
Section 4 of Transport and Environment
Committee Report 15-00

Ward 1

- (a) Alderman Mary Kiss has forwarded a petition signed by representatives of 13 of the 15 homes abutting Winston between Royal and the northerly end requesting that an "Alternate Side Parking" regulation be implemented on the street. All 13 of the residents are in favour of the requested regulation.

Ward 2

- (a) Robert Bridges, 431 Ferguson Avenue North, has requested that a reserved "Permit Parking" regulation be implemented on the west side of Ferguson in front of his home, since he is disabled.
- (b) Alderman Ron Corsini has advised of a request from Mrs. S. Anvari, 104 Aberdeen Avenue, that a "No Parking" corner clearance be implemented on the north side of Aberdeen from Bay to a point 105 feet westerly, to facilitate turning movements at the intersection.
- (c) Staff has received a request from Mrs. D'Eon, 72 Picton Street West, that a full-time "Wheelchair Loading Zone" be implemented on the north side of Picton, east of Bay, directly in front of her home as she requires the services of DARTS vehicles.
- (d) Ray Belanger, owner of B&M Recycling, 228 Hess Street North, has requested that the existing "No Parking, 7:30 am to 4:00 pm, Monday to Friday" regulation on the west side of Hess, north of Barton, be extended northerly and that the existing full-time "No Parking" regulation on the east side of Hess, north of Barton, be extended southerly and the duration changed to "7:30 am to 4:00 pm, Monday to Friday". The requested changes are to facilitate turning movements of semi-trailers accessing his business.

Ward 3

- (a) Gordon Skinner, 136 Eastbourne Avenue, has requested that a reserved "Permit Parking" regulation be implemented on the west side of Eastbourne in front of his home, since he is disabled, and on the east side of Eastbourne in front of 129 Eastbourne Avenue to accommodate the "Alternate Side Parking" regulation on the street. Albert Finnan, who resides at 129 Eastbourne Avenue supports Mr. Skinner's request.

- (b) Staff has received a request from Mr. Piech, 286 Balmoral Avenue North, that the existing "No Parking" regulation on the east side of Balmoral, south of Barton, be extended southerly to the edge of his driveway. Mr. Pellegrini, 290 Balmoral Avenue North, has advised that he supports extending the regulation across the front of his house.
- (c) Ernesto Pacheco of P&A Variety, 44 Francis Street, has requested that a "15 Minute Parking Time Limit, 8:00 am to 9:00 pm, 7 days a week" regulation be implemented on the south side of Francis, partially in front of his store, to accommodate customer parking for one vehicle. Francis is a residential street and, therefore, a parking meter would be inappropriate. Dave McComack, the owner of 46 Francis Street, in front of which a part of the regulation would extend, supports the Mr. Pacheco's request.

Ward 5

- (a) Staff has received a request from Rick Clark, Principal of Glenbrae Public School, 50 Secord Avenue, that the existing "School Bus Loading Zone, 7:00 am to 6:00 pm, Monday to Saturday" regulation on the south side of Secord be extended 80 feet westerly.

Ward 6

- (a) Alderman Tom Jackson has advised of a request from Chris Vaudry, 173 Assisi Street, that all-way stop control be implemented at the intersection of Upper Gage and Cadham/Terni. The subject intersection meets the criteria for all-way stop control.

Ward 7

- (a) Staff has received a request from Ed Grodecki, Principal of Ryckman's Corners School, 80 Springside Drive, that the existing "School Bus Loading Zone, 7:00 am to 6:00 pm, Monday to Saturday" regulation on the west side of Springside be relocated to the east side of Seneca.
- (b) Staff has received a request from Wanda Lane, Principal of George L. Armstrong School, 460 Concession Street, that the existing "Wheelchair Loading Zone, 7:00 am to 6:00 pm, Monday to Saturday" regulation on the east side of East 18th be relocated to the west side of East 19th.

Ward 8

- (a) Dawn Walker, 146 Benvenuto Crescent, has requested that a full-time "Wheelchair Loading Zone" regulation be implemented on the south side of Benvenuto in front of her home, to facilitate DARTS pick-up for her son.

- (b) Peggy Austin, 82 Graystone Drive, has requested that a full-time "No Parking" regulation be implemented on the north side of Graystone from Greyfriar to 99 feet easterly. Mr. G. Fordham, 11 Greyfriar, as the adjoining property owner, has no objection to the request.
- (c) Staff has received a request from Hank Knecht, Custodian of Mountain Secondary School, 60 Caledon Avenue, that a "School Bus Loading Zone, 7:00 am to 6:00 pm, Monday to Saturday" regulation be implemented on the west side of Caledon directly in front of the school.

**PARKS & RECREATION
COMMITTEE**



REPORT

CITY OF HAMILTON PARKS AND RECREATION COMMITTEE

Monday, October 23, 2000
1:15 p.m.
Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman B. Morelli (Chairperson)
Alderman M. Kiss (Vice-Chairperson)
Aldermen R. Corsini, G. Copps, F. Eisenberger, D. O'Sullivan,
T. Jackson

Regrets: Mayor Morrow (City business)
Alderman T. Anderson (Other Business)

Also Present: Alderman A. Horwath
J. Bruzzese, R. Fair, K. Duncliffe, B. Chrystian, W. Plessl, B. Price,
J. Hickey-Evans, J. Davidson, G. Maychak, C. Touzel, S. Reeder

Alderman B. Morelli, Chairperson, called the meeting to order.

THE PARKS AND RECREATION COMMITTEE PRESENTS REPORT 10-00 AND RESPECTFULLY RECOMMENDS:

1. **Potential Hamilton-Wentworth District School Board Closures – Impacts on the City of Hamilton Facilities/Parks (PWT00173)(Item 5)**
 - (a) That the Hamilton-Wentworth District School Board be advised the potential closure and sale of:
 - (i) Bennetto, Scott Park, Sanford and Seneca will have an impact on the City's recreational facilities and indoor/outdoor recreational programming; and,
 - (ii) Parkview, Mountain Secondary, Peace Memorial and Fernwood will have an impact on the amount of parkland provided in the neighbourhoods.

And these concerns be included as part of the deliberations on the potential school closures; and,

- (b) That staff of the Community Services, Public Works and Traffic and the Community Planning and Development Divisions be directed to discuss the above noted impacts with the Hamilton-Wentworth District School Board and to report back to the appropriate Standing Committee; and,
- (c) That City Council request the Hamilton-Wentworth District School Board to include a representative from the City of Hamilton on the potential school closure committees for Bennetto, Scott Park and Sanford Avenue school sites; and,
- (d) That at their request, Alderman T. Jackson and Alderman B. Morelli be appointed to serve on these Committees for those potential school closures in their area; and,
- (e) That the Mayor forward a letter to the Chairman of the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Separate School Board respectively, requesting their assistance in the establishment of an ongoing Liaison Committee, comprised of politicians and staff, which would address issues of community concern such as adaptive reuse of schools, parkland development and maintenance, shared use of recreational facilities.

2. First Night International Conference April 25 - 29, 2001 - Education Forum - Sponsorship of Conference (CSC00143)(Item 6.1)

- (a) That authorization be given to the General Manager of Community Services to contribute \$5,000 to First Night International Association Conference to assist in the presentation of their 2001 Educational Forum to be held in Hamilton from April 25 - 29, 2001 at the Hamilton Convention Centre and the Sheraton Hotel; and,
- (b) That the Finance and Administration Committee recommend a method of financing; and,
- (c) That this report be forwarded to the Transition Board for approval.

3. Fireworks Displays in Parks - Approval as required by Parks By-law 95-126 - Fireworks By-law 90-198 (CSC00140)(Item 6.2)

That approval, as required by Section 17(01) and Section 26 of the Fireworks By-law 90-198 and Section 5 of the Parks by-law No. 95-126, as amended, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the City of Hamilton General Manager of Community Services to hold two Fireworks Displays on Commonwealth Square on New Year's Eve, December 31, 2000 as a part of the First Night New Year's Eve Celebrations.

4. **Canadian Pacific Heritage Fund Grant Application - Hamilton Museum of Steam and Technology - Made in Hamilton Heritage Project (SCS00137)**(Item 6.3)
 - (a) That authorization be given to the General Manager, Community Services Division to submit a grant application in the amount of \$30,000 to the Canadian Pacific Heritage Fund for a project to enhance the Toronto, Hamilton and Buffalo Railway (TH&B) collection at the restored GO Transit terminal; and,
 - (b) That an agreement satisfactory to the Law Department be negotiated between the City, GO Transit and the TH&B Railway Pensioners Association.
5. **Ontario Museum Association/Attractions Ontario Conference - October 19 to 21, 2000 (CSC00136)**(Item 6.4)
 - (a) That the Chair and/or a representative of the Hamilton Historical Board be authorized to attend the Ontario Museum Association/Attractions Ontario Conference to be held October 19-21, 2000 in London; and,
 - (b) That the Conference costs in the estimated amount of \$700 be financed through the Legislative Travel Account No. COHAM 56325 300120.
6. **Crystal Palace Plaque (CSC00139)**(Item 6.5)
 - (a) That a plaque commemorating the Crystal Palace be initiated and later erected at the east side of Victoria Park adjacent to Peter Street as shown in the map hereto attached and marked Appendix "A"; and,
 - (b) That the plaque wording attached hereto and marked as Appendix "B" be approved; and,
 - (c) That the cost of the plaque for fabrication and installation in the amount of \$3,000 be charged to account COHAM 57267 720000.
7. **Deaccessioning of surplus artifacts - Dundurn Castle (CSC00138)**(Item 6.6)
 - (a) That approval be given to the General Manager of Community Services to deaccession the Dundurn Castle and Military Museum objects identified in the list attached to Report CSC00138; and,

- (b) That the objects be disposed of according to the Collections Management Policy; and,
- (c) That any funds realized through the sale of items be used to enhance the collection or for conservation purposes.

FOR THE INFORMATION OF CITY COUNCIL:**(a) Declarations of Interest (Item 1)**

None declared.

(b) Adoption of Minutes – October 2, 2000 (Item 2)

The Committee adopted the Minutes of the Parks and Recreation Committee for its meeting held October 2, 2000.

(c) Added – Presentation – Baseball Association

Representatives from a Community Baseball Association, who participated in the International Children's Games presented the Committee with a trophy.

(d) Added – Presentation – Charlene Touzel

The Chairperson presented flowers for appreciation to Charlene Touzel, the Legislative Assistant to the Committee for her many years of work for the Committee. Mrs. Touzel will be going on maternity leave.

(e) Request to be a delegation – Sandy MacDonald, MacDonald Marine Services (Item 3)

The Committee agreed to hear a delegation from MacDonald Marine Services on a number of issues. Sandy MacDonald addressed the Committee. Alice MacDonald and Herman Turkstra were also in attendance. Mr. MacDonald indicated to Committee that there are no outstanding taxes owing on his property. He advised that the site plan issues are being resolved. He referenced the disagreement on the cost of the fencing which was agreed at \$8,000 to be equally cost shared between the City and himself. An additional cost of \$3,600 was added for the cost of set up and taking down. He advised that the last two times he has taken down the fence himself thus saving the take down costs. He also noted that the City has borrowed the fence during the summer for events. He therefore questions whether he can make use of this fence and the expenditure as a capital asset. Mr. MacDonald raised the issue of the use of herbicide to kill marine weeds, and the City denial which prevents him from using this product. He indicated that the Yacht Club is able to use this herbicide, and that he has lost

business to them as a result. He advised that the product is Reglone A and is distributed by a company called Zeneca Agro. Alice MacDonald circulated copies of information on this product to the Committee members. Some discussion ensued on this product and the City denial of its use at MacDonald Marine Services. Herman Turkstra spoke to the Committee, as a friend of the MacDonalds, and in support of these concerns.

The Committee agreed to receive the presentation from MacDonald Marine Services and it was noted that a staff report would be coming back to address the concerns as outlined in the above presentation.

- (f) **Delegation – John Kiriakopoulos, International Children’s Games Millenium Festival (Item 4)**
Final Staff Report (Item 4.1)

John Kiriakopoulos addressed the Committee with final wrap up comments respecting the recently held International Children’s Game Millenium Festival. Dr. Gene Sutton, Co-Chair and Mr. Greg Maychak of the Culture and Recreation Department were also in attendance. Mr. Kiriakopoulos noted that Mr. Ed Dunn should also be included in the final report as one of the Chairpersons. He also noted that Mr. Jim Youden, Treasurer of the Executive for the Games recently passed away. It was noted that the Culture and Recreation Department would send their condolences to the family.

A plaque of appreciation was presented to the Chairperson on behalf of the City by the International Children’s Games. A plaque of appreciation was presented to Charlene Touzel, the Legislative Assistant to the International Children’s Games Executive Committee.

The Committee agreed to receive for information, the report of the General Manager, Community Services dated October 18, 2000 entitled “International Children’s Games Millennium Festival – Final Staff Report (CSC00144)

John Kiriakopoulos circulated a letter of appreciation from the Committee of the International Games.

- (g) **Added - Park Development Concept - Former Plastimet Site - 361, 363 and 371 Wellington Street North (PWT00182)**
Added - In Camera Report - Park Construction - Former Plastimet Site - 361, 363 and 371 Wellington Street North (PWT00189)

The above noted added reports were introduced at the meeting. The Committee Discussed these reports in open session, and then moved in camera to discuss Matters pertaining to the above noted private and confidential report. The Committee agreed that these reports be received and forwarded to a special meeting of the Committee of the Whole for consideration by the

whole Council.

(h) Information Items (Item 6.7)

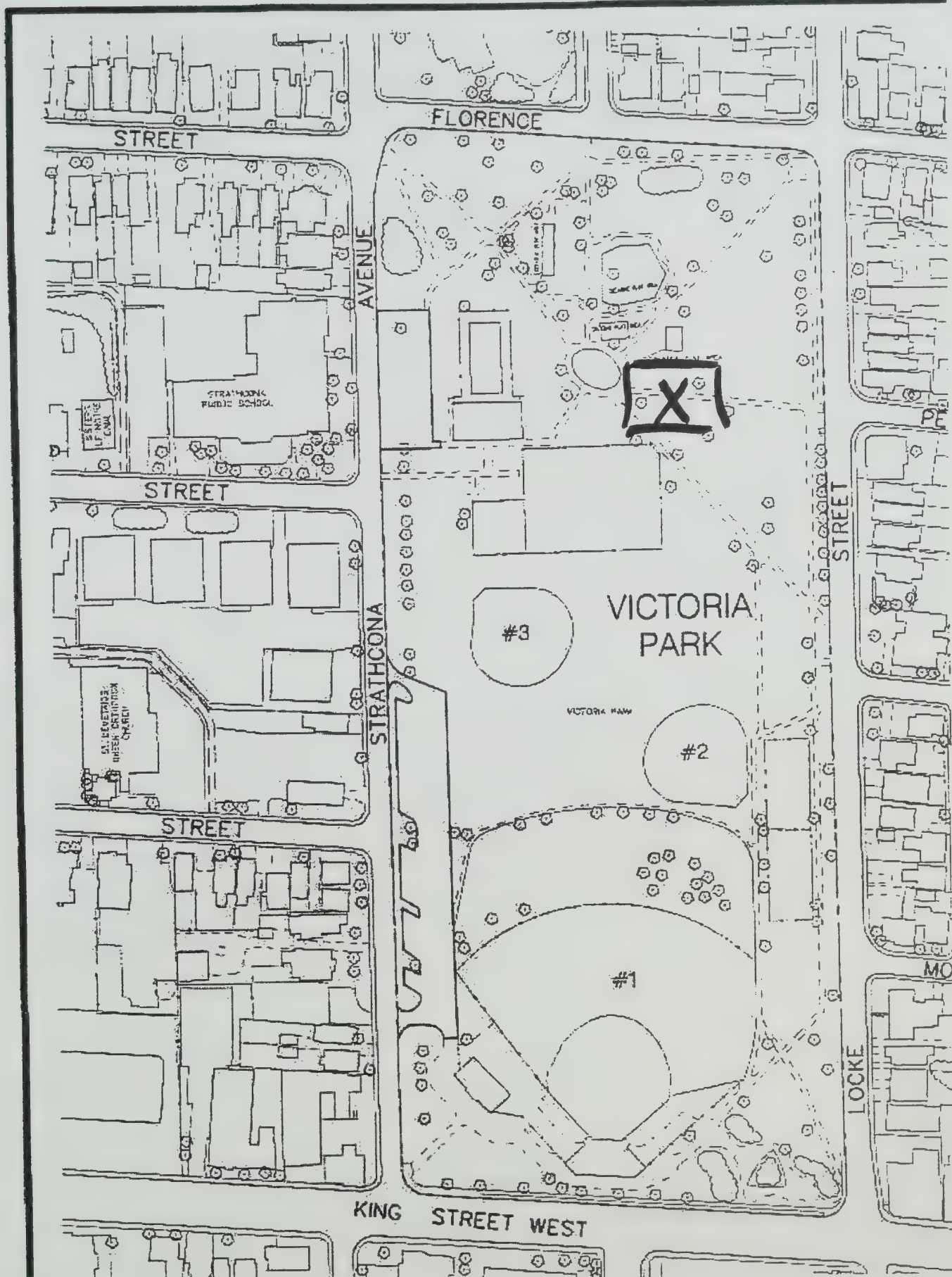
That the following Information Item be received:

- (i) Information Report - General Manager, Community Services - Explore the Core - Christmas in Downtown (CSC00141

Note: The meeting of the Parks and Recreation Committee adjourned at 3:40 p.m.

**Alderman B. Morelli, Chairperson
Parks and Recreation Committee**

**Susan K. Reeder, Acting Manager
Legislative Services and Records
October 23, 2000**

Appendix "A:" as referred to in Section 6
Of Report 10-00 of the Parks and Recreation Committee

Appendix "B" as referred to in Section 6
Of Report 10-00 of the Parks and Recreation Committee

THE CRYSTAL PALACE

Through the efforts of Allan MacNab and Isaac Buchanan the 1860 Provincial Exposition was held in Hamilton. This event helped to improve the City's image which had suffered due to the Desjardins train disaster, cholera outbreaks, and economic stagnation in the 1850s. The 22 acre site chosen for the Crystal Palace was bordered by King, Locke, Florence and Sophia Streets. The architect was A.H. Hills and the builder Robert Gordon. After the cornerstone laying on May 24, 1859, the Palace and grounds were later opened by Edward, The Prince of Wales, on September 20, 1860. Thereafter it became the site for the City's annual Great Central Fair.

The glass-enclosed Palace was surmounted by a flagpole dome and flanked by wings. Inside a floating stairway led from a banquet hall to an enlarged balcony. The Palace was used year round for agricultural and industrial exhibits, drama, music, and art. The grounds, which were enclosed by a board fence and wooden sidewalks, also included several livestock buildings.

The largest fair attendance occurred in 1887 for the Queen's Jubilee. Four years later, the ageing buildings were auctioned and demolished. The vacant land was proposed for housing but instead was opened as Victoria Park in 1900. The elevated northern portion was later improved with walks and a playground. The lower part featured such athletics as baseball, football and ice skating. The park welcomed home two local athletes: Billy Sherring in 1906, winner of the Marathon at the Olympic Games in Athens; and Bobby Kerr in 1908, winner of the 200 metres race at the Olympic Games in London.

(approx. 263 words)

Revised October 12, 2000

**PLANNING & DEVELOPMENT
COMMITTEE**



REPORT

CITY OF HAMILTON PLANNING AND DEVELOPMENT COMMITTEE

Wednesday October 25, 2000

9:30 a.m.

Room 233, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman F. D'Amico (Chairperson), Alderman G. Copps (Vice-Chairperson), Aldermen M. Caplan, R. Corsini, D. Haining, F. Eisenberger, B. Charters, B. Kelly

Regrets: Mayor R. Morrow

Also Present: Aldermen Kiss, Alderman Jackson, Alderman Morelli, Alderman Wilson, Alderman Collins, G. Paparella, P. Mallard, B. Janssen, J. Hickey-Evans, J. Lakatos, E. Switinky, M. Mascarenhas, D. Powers, H. Vastis, P. Lampman, E. Chajka, K. Nutley, T. Agnello

Alderman F. D'Amico, Chairperson, called the meeting to order.

THE PLANNING AND DEVELOPMENT COMMITTEE PRESENTS REPORT 16-00 AND RESPECTFULLY RECOMMENDS:

1. **29, 31, 33 and 37 Rosedale Avenue and 1900 King Street East- Official Plan Amendment and Change in Zoning, ZAC-00-27 (PDC00171) (Item 2.1)**

That Zoning Application ZAC-00-27, Lindlaw Management Services Limited, prospective owner (Block "1") and owner (Block "2"), for an Official Plan Amendment to redesignate the lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on the attached map marked as Appendix "A", from "Residential" to "Commercial", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District, modified for lands located at Nos. 29, 31, 33 and 37 Rosedale Avenue, shown as Block "1" on APPENDIX "A", and for a modification to the established "G-1" (Designed Shopping Centre) District regulations for lands located at 1900 King Street East, shown as Block "2" on Appendix "A", be denied on the following basis:

The proposal represents an undesirable extension of a commercial use into a stable residential neighbourhood, which would be incompatible with the established adjacent low density residential development.

2. 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North and 8 Harrison Avenue- Change in Zoning, ZAC-00-30 (PDC00173) (Item 2.2)

That approval be given to amended Zoning Application 00- 30, East Hamilton Radio (c/o Ron Taillon), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified (Block "1") and a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit the expansion of the existing commercial retail establishment including additional parking, for the property located at 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North, and 8 Harrison Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That Block "1" of the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
- (b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, be modified for Blocks "1" and "2", as follows:
 - (i) notwithstanding Section 14. (3) (ii) of Zoning By-law No. 6593, a minimum side yard setback of 3.25 m shall be provided and maintained along the easterly lot line of Block "1";
 - (ii) notwithstanding Section 14. (3) (iii) of Zoning By-law No. 6593, a minimum rear yard setback of 5.0 m shall be provided and maintained along Harrison Avenue;
 - (iii) notwithstanding Section 18A. (1)(d) of Zoning By-law No. 6593, a 9.0m x 3.7m x 4.3m loading space shall be provided and maintained;
 - (iv) notwithstanding Section 18A. (10),(32)&(33) of Zoning By-law No. 6593 the required manoeuvring space for the loading space will be within the access driveway and infringe upon the required manoeuvring space of three (3) parking spaces adjacent to the principle building; and,

- (v) a minimum 3.25 m wide landscape area and a 1.8 m minimum to 2.0 m maximum high visual barrier shall be provided and maintained along the easterly lot line of Block "1";
- (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1453, and that the subject lands on Zoning District Map E-63 be notated S-1453;
- (d) That Corporate Council be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-63, for presentation to City Council;
- (e) That this proposed change and modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That the subject lands be redesignated on the approved Homeside Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

3. 475 Main Street East- Change in Zoning, ZAC-00-22 (PDC00167) (Item 2.4)

That approval be given to amended Zoning Application ZAC-00-22, Atrium Villa Holdings, owner, for a further modification to the "DE-3" (Multiple Dwellings) District to permit the construction of a two (2) storey addition above the existing rear wing of the "Seniors Residential Care Facility" and an increase in number of residents from ninety-four (94) to one hundred and thirty-five (135) persons, for lands located at No. 475 Main Street East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "DE-3 (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law 6593, as amended by By-law 96-108, be further modified as follows:
 - (i) That Section 2.(a) of Zoning By-law 96-108 be repealed in its entirety and replaced with the following:

"2.(a) notwithstanding Section 10C. (1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":
 - (i) a Senior Citizens Residential Care Facility for the accommodation of a maximum of one hundred and thirty-five

(135) residents;

- (ii) a hair salon only in conjunction with a Senior Citizens Residential Care Facility;
 - (iii) for the purposes of this By-law, a "Senior Citizens Residential Care Facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;"
- (ii) That Section 2. (c) of Zoning By-law 96-108 be repealed in its entirety and replaced with the following:
- "2.(c) notwithstanding Sections 10C (2) and 10(5) of Zoning By-law No. 6593, the maximum height and gross floor area of the "Senior Citizens Residential Care Facility" shall not exceed five (5) storeys and 6,980.0 m² (75,134.55 S.F.);"
- (iii) That Section 2. of Zoning By-law 96-108 be amended by deleting the words "Senior Citizen Multiple Dwelling" and replacing it with "Senior Citizens Residential Care Facility" wherever it appears;
 - (iv) That Section 2.(b) of Zoning By-law 96-108 be amended by adding the phrase "and the fourth and fifth floor addition" after the word "building";
 - (v) That Section 2. (i) of Zoning By-law 96-108 be repealed in its entirety;
 - (vi) That Section 2. (f) of Zoning By-law 96-108 be amended by deleting the words 'containing not more than seventy-eight (78) "housekeeping dwelling units" ' ;
 - (vii) That Section 10.(7) of Zoning By-law No. 6593, shall not apply to the subject lands;
 - (viii) That a minimum 6.3 m and 9.6 m setback shall be provided and maintained from the easterly lot line for the fourth (4) and fifth (5) storeys, respectively notwithstanding subsection (iv) above;
 - (ix) That an east wall sloped 45 degrees from the vertical shall be provided and maintained for the fourth and fifth storey east stairwell

and the stairwell and main roof shall continue this slope;

- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1360a, and that the subject lands on Zoning District Map E-13 be notated S-1360a;
- (c) That Corporate Council be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law 96-108, and Zoning District Map E-13, for presentation to City Council;
- (d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (e) That the subject lands be redesignated on the approved Landsdale Neighbourhood Plan from "Medium Density Apartments" to "Civic and Institutional" upon finalization of the implementing By-law.

4. Downtown Convert/Renovate to Residential Loan Program Core Heritage 2000 Program, 12 Mary Street (HSB00017) (Item 4.1)

- (a) That a grant for façade improvements, under the Core Heritage 2000 Program in the amount of thirty thousand dollars (\$30,000) to 1178605 Ontario Incorporated (Zoran Cocov/Dimitar Gorgiev), registered owner of 12 Mary Street, Hamilton, be approved; and,
- (b) That a loan to 1178605 Ontario Incorporated (Zoran Cocov/Dimitar Gorgiev) for building rehabilitation and conversion to 62 residential units at 12 Mary Street, Hamilton, be authorized upon the Downtown Convert/Renovate to Residential Loan Program, subject to the conditions set out and referred to in this recommendation, including the following details:
 - (i) A maximum loan of \$1 Million under the Downtown Convert/Renovate to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the City by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;
- (c) That the loan amounting to \$1 Million be subject to the following conditions:

- (i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Downtown Convert/Renovate to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be re-payable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);
- (ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:
 - 1. All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;
 - 2. At the time of each loan advance:
 - there remains at least 25% owners' equity (as described above) in the properties;
 - the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 62 units and the value of the said remaining work is less than the amount of the City's loans; and,
 - the said applicant is the registered owner of the property.
- (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the amendments to the Downtown Convert/Renovate to Residential Loan Program;
- (iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;

- (v) That the client commence construction within 3 months of receipt of the building permit; and,
- (vi) Such other terms and conditions that Council may, in its discretion, require.

5. Core Heritage 2000 Program- Grant Increase, 84 James Street North (HSB00018) (Item 4.2))

That a grant increase, for façade improvements, under the Core Heritage 2000 Program, in the amount of four thousand, nine hundred and thirty-two dollars (\$4,932) to Eduardo Importing Ltd., registered owner of 84 James Street North, be approved.

6. Request for Removal of the Holding Zone for lands located at 694 Upper James Street (PDC00181) (Item 4.3)

- (a) That approval be given to Zoning Application ZAR-00-05, Bryan Leon, owner, for the removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for a dentist's office and residential dwelling unit for lands located west of Upper James Street and south of McElroy Road West, and known municipally as 694 Upper James Street, as shown on the attached map marked as Appendix "D"; and,
- (b) That the Director, Land Development Department, be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, as amended by By-law No. 92-244, and Zoning District Map W-8 for presentation to City Council.

7. Proposed Niagara Escarpment Plan Amendment PH/71/90 (Escarpment Link-Parkway Belt West) (PDC00168) (Item 4.5)

- (a) That the Acting Municipal Clerk advise the Niagara Escarpment Commission that the City of Hamilton does not object to proposed Niagara Escarpment Plan Amendment PH/71/90; and,
- (b) That the Acting Municipal Clerk forward a copy of Report PDC00168 to the Niagara Escarpment Commission for their consideration.

8. Lands to be Placed Under Site Plan Control – 88 Fennell Avenue West (PDC00175) (Item 4.6)

That the Director, Land Development Department, Community Planning and Development be authorized and directed to prepare for presentation to Council a by-law to amend Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, by adding the lands at 88 Fennell Avenue West to Schedule "A" as attached hereto and marked as Appendix "E".

9. Revision to Council Resolution Regarding Streamlining of Land Development Department Approvals Processes (PDC99153A) (Item 4.7)

That Item 11.(f). of the Twenty-sixth Report of the Planning and Development Committee, as adopted by City Council on December 14, 1999, be deleted in its entirety and replaced with the following:

"11.(f).a) That Item 23 of the 42nd report of the Board of Control approved by City Council on 1975 September 30 which authorizes the Mayor and City Clerk to execute City modified subdivision agreements be DELETED; and,

b) That the Mayor and Municipal Clerk be authorized and directed to execute City subdivision agreements and/or modified subdivision agreements, which are required as a condition of development approval arising out of development applications regulated by the Ontario Planning Act, providing such agreements are in a form satisfactory to the Corporate Counsel and construction of services under the agreement do not require any City cost sharing or, the City's share of construction cost has been approved in the Capital Budget for the City."

10. Eleventh Annual Public Service Announcement (PWT00175) (Item 4.8)

(a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Eleventh Annual Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

First Prize: Bryan Negrijn
Second Prize: Andrew Walker

Third Prize: David Syrie

- (b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$700, second prize at \$500, and third prize at \$300 and a donation to Mohawk College Media Studies Department of \$1000 for development of the videos and use of equipment.

11. Westdale Village BIA proposed Budget and Schedule of Payments for 2001(PWT00178) (Item 4.9)

- (a) That the 2001 operating budget for the Westdale Village B.I.A. as attached hereto and marked as Appendix "F" be approved in the amount of \$45,000; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2001 budget as referenced in (a) above; and,
- (c) That the following schedule of payments for 2001 be approved:

January	\$15,000
April	\$10,000
July	\$10,000
October	\$10,000

Note: 2000 assessment appeals may be deducted from 2001 levy payments; and,

- (d) That Transition Board approval is required for this report.

12. International Village BIA proposed Budget and Schedule of Payments for 2001(PWT00186) (Item 4.10)

- (a) That the 2001 operating budget for the International Village B.I.A. as attached hereto and marked as Appendix "G" be approved in the amount of \$70,000; and,
- (b) That the General Manager of Finance be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2001 budget as referenced in (a) above;

and,

- (c) That the following schedule of payments for 2001 be approved:

January	\$35,000
July	\$35,000

Note: 2000 assessment appeals may be deducted from the 2001 levy payments; and,

- (d) That the Transition Board's approval is required for this report.

13. Concession Street BIA proposed Budget and Schedule of Payments for 2001(PWT00187) (Item 4.11)

- (a) That the 2001 operating budget for the Concession Street B.I.A. as attached hereto and, marked as Appendix "H" be approved in the amount of \$26,150; and,

- (b) That the General Manager of Finance by hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 2001 budget as referenced in (a) above; and,

- (c) That the following schedule of payments for 2001 be approved:

January	\$6,537.50
April	\$6,537.50
July	\$6,537.50
October	\$6,537.50

Note: 2000 assessment appeals may be deducted from the 2001 levy payments; and,

- (d) That the Transition Board's approval is required for this report.

14. Demolition of 30 Norfolk Street North (PDC00169) (Item 5.3)

That the Director of Building and Licencing be authorized and directed to refuse to issue a demolition permit for 30 Norfolk Street North.

15. Auchmar (LS00024) (Added Item)

- (a) That the Agreement of Purchase and Sale, duly executed on June 18, 1999, by the purchaser, 1333786 Ontario Ltd., and the vendor, Cervarano Developments Ltd. and V & R Investments Inc., which agreement was assumed by the City of Hamilton, on October 22, 1999, for the lands known as Part Lot 15, Concession 4, former Barton TWP, City of Hamilton and consisting of approximately 3.55 acres (the June 18, 1999, Agreement of Purchase and Sale) be amended by further extending the closing date of this transaction from November 3, 2000, to on or before December 5, 2000. All other terms and conditions contained in the Agreement of Purchase and Sale to remain the same and that time remains of the essence and;
- (b) That staff be authorized and directed to advise 1333786 Ontario Limited that they have up until 4:00 p.m. on Thursday November 30, 2000, to pay to the City, by cash or certified cheque, the sum of Ninety-Six Thousand Three Hundred Dollars (\$96,300) representing rent owing to the City for the period of October 22, 1999 to and including November 30, 2000, and;
- (c) Upon receipt of all rental arrears, in the amount of \$96,300.00, by cash or certified cheque, from 1333786 Ontario Limited;
 - (i) The June 18, 1999, Agreement of Purchase and Sale be amended by further extending the closing date of this transaction from December 5, 2000 to on or before January 31, 2001. All other terms and conditions contained in the Agreement of Purchase and Sale to remain the same and that time remains of the essence.
 - (ii) That the date for entering into an Agreement for the entire Auchmar property, as approved by the Planning and Development Committee at its meeting on May 18, 2000, be further extended from November 1, 2000 to on or before January 28, 2001. All other terms and conditions contained in the May 18, 2000 recommendation to remain the same and that time remains of the essence.
- (d) In the event that the City does not receive from 1333786 Ontario Ltd., the sum of \$96,300.00, by cash or certified cheques, by 4:00 p.m. on Thursday November 30, 2000, then;
 - (i) any and all negotiations for the purposes of entering into an Agreement for the historical preservation, improvement and use of the entire Auchmar property, as approved by the Planning and Development Committee at its meeting on May 18, 2000, shall be

terminated and;

- (ii) That the June 18, 1999, Agreement of Purchase and Sale, be completed on December 5, 2000, and;
- (iii) That approximately 3.55 acres of the Auchmar Estate which is the subject matter of the June 18, 1999, Agreement of Purchase and Sale, be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law No. 95-049;
- (iv) That Real Estate, Facilities Management Department, be authorized and directed to sell the 3.55 acres of the Auchmar Estate in accordance with Real Property Sales Procedural By-law No. 95-049;
- (v) That the Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act;
- (d) That the Commissioner of Legal Services be authorized and directed to take the appropriate action in dealing with this matter; and,
- (e) That staff be authorized and directed to take all necessary steps to repair foundation walls and all other emergency work at the Auchmar property.

16. Payment of Accrued Parkland Credit, Wellington Chase-Phase 1 (FAC00012)
(Added Item)

That the amount of \$10,860 be paid to Wellington Chase Inc. to purchase that company's parkland credit balance of 272.756 square metres (0.067397 acres), provided that Wellington Chase Inc. execute a release in a form satisfactory to Corporate Counsel and the cost be charged to Account No. COHAM 58534 104090 (Reserve for Parklands).

17. Bills:

That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-076 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-law No. 89-280 respecting lands located at Municipal Nos. 330

and 342 Dundurn Street South.

- (b) C-077 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 76-312 and 94-178 respecting land located at Municipal No. 180 Walnut Street South.
- (c) C-078 A By-law to Remove Land within the "Tiffany Park" Subdivision, Plan 62M-896 from Part Lot Control.
- (d) C-079 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-laws No. 84-234, 88-44 and 89-220 Respecting Lands Located at Municipal No. 1033 Main Street West.
- (e) C-080 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 96-152 Respecting Lands Located at the South East Corner of Chedmac Drive and Redfern Avenue.
- (f) C-081 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 96-108 Respecting Lands Located at Municipal No. 475 Main Street East.
- (g) C-082 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North and 8 Harrison Avenue.
- (h) C-083 A Bylaw to Establish Site Plan Control Respecting Land Located at Municipal No. 88 Fennell Avenue West.
- (i) C-084 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton

FOR THE INFORMATION OF CITY COUNCIL:

(a) **Declarations of Interest (Item 1)**

Alderman Copps and Alderman Caplan declared interest on item 5.3 regarding 30 Norfolk Avenue by virtue of an ongoing litigation matter and both refrained from voting on the matter.

(b) **Adoption of Minutes – October 4, 2000 (Item 3.1)**

The Minutes of the meeting held October 4, 2000 were adopted.

- (c) **29, 31, 33 and 37 Rosedale Avenue and 1900 King Street East- Official Plan Amendment and Change in Zoning, ZAC-00-27 (PDC00171) (Item 2.1)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Submissions were received from the following:

- (i) Ed & Myrna Bullough, 41 Rosedale Avenue, Hamilton
- (ii) Mary Lou Tanner, 10 Lydia Street, Hamilton

The proponent and the architect were present in support of the recommendation.

Paul Mallard gave a brief overview of the staff report. Of 148 notices circulated, 10 replied in favour and 16 opposed.

The following people were present and were opposed to the proposal:

Bruce Picken, 30 Rosedale Avenue
Marvin Ryder. & Mrs. N. Leeson, 40 Rosedale Avenue
George Awre, 777 Lawrence Road
Steve and Sherrie Nagy, 779 Lawrence Road.

Their concerns were as follows:

- oppose tearing down good housing stock
- creation of an isolated residential enclave
- safety issues, neighbourhood watch
- decrease in value of property.

Paul Mallard stated that the landscaping for the length of the new building will be an average of 7.5 metres.

Aldermen Copps, Wilson and Collins felt that the residents will be negatively impacted.

In response to a question from Alderman Charters Paul Mallard stated that if tabled the applicant has the right to appeal to the Ontario Municipal Board because a Council decision will not be made on a timely basis.

Subsequently a motion was placed on the floor to deny the recommendation and was approved.

(d) **1325-1345 Barton Street East, 300-308 Kenilworth Avenue North and 8 Harrison Avenue- Change in Zoning, ZAC-00-30 (PDC00173) (item 2.2)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

Jim Tarbot of Design Building Construction was present on behalf of the applicant.

Joe Lakatos gave a brief overview of the staff report. Of 156 notices circulated, 8 replied in favour and 5 opposed.

Harry Dean an abutting neighbour was present to state concern over the noise caused by car alarms which are sold by the establishment. He requested that a sound barrier or fence be erected to mitigate this problem.

The proponent advised that there will be a landscaping strip and that the cars will be serviced in a building that will help alleviate the noise concerns.

Mr. Lakatos advised that the visual barrier is required by by-law.

(e) **398 Kenora Avenue- Change in Zoning, ZAR-00-31 (PDC00172) (Item 2.3)**

The Chairman advised and the Committee concurred that the matter be tabled as per the request of the applicant.

The amendment is to be recircularized at a later date.

(f) **475 Main Street East- Change in Zoning, ZAC-00-22 (PDC00167) (item 2.4)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

The following proponents were present in support of the recommendation:

Lorne Haverty, 276 Main Street West
Evan Kirsh, 20 Queen Street East
Maragaret Coulter, 475 Main Street East.

Joe Lakatos gave a brief overview of the staff report. Of 173 notices circulated, 16 replied in favour and 1 opposed.

Alderman Copps stated that more parking should be required if more units are to be added.

Alderman Haining advised that the majority of residents do not own vehicles.

(g) **Neighbourhood Plan Amendment – Templemead Neighbourhood P5-2-129 (PDC00170) (Item 2.5)**

The Chairman advised that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Hearing.

A submission was received from Edwyn and Sharon Lewis.

The following proponents from the Hamilton Wentworth District School Board were present in support of the recommendation:

Tony Cupido, Superintendent of Planned Services
Reg Woodworth, Chairman
Laura Peddle, Trustee
Judith Bishop

Joanne Hickey-Evans gave a brief overview of the staff report. She stated that the public meeting was circularized to all homeowners within 120 metres.

Mr. Woodworth advised that this site has been chosen for development because 500 children are bussed from the area and because that site is owned by the board and is partially sustainable from the sale of residential lots.

Mr. Cupido advised that the average size of an elementary school is 5.4 acres. The Ministry recommended size is 5 acres. This site will be much larger. With regard to the court being too close to the school it has been determined that the location of the school will be 5 metres farther than that which is shown on the plans. The Board is proposing 42, 40 foot lots and the residents will allow only 14. The Board is not in a position to build the school if the residential lands are not sold.

Laura Peddle advised that the economic reality is that the school cannot be built without the sale of the residential portion. She urged all present to think of the children that need the school.

The following People were present in favour to a school being erected in objection to the recommendation:

Murray Major, 19 Mount Pleasant Drive
Brian Gordon, 19 Rutledge Court
Heidi Davidson, 20 Mount Pleasant Drive
David Baker, 19 Celac Court
Richard Balsor, 141 Templemead
Gordon Dunn, 873 Templemead
Paul Armstrong, 3 Pompano Court

They were opposed based on the following:

- prefer original plan
- do not want more residential property
- do not want to loose woodlot as a passive recreational area
- opposed to relocation of soccer pitch
- no room for future expansion
- increase in traffic
- safety concerns
- examples of various other schools with greenspace such as:
 - Lincoln Alexander
 - James McDonald
 - Helen Detwieller
 - Lisgar
 - C.B. Sterling
- bussing to the school may be a future problem

Mr. Cupido advised that the location of the Soccer pitch is being revisited. A tree preservation program has been developed. There will be an attempt to cap the attendance figures at the school to 580.

The Committee concurred that although the necessity of a school is evident there must be a compromise regarding the open space which is to be developed as residential.

Subsequently the Committee resolved that the matter be tabled to a special meeting of the Planning and Development Committee to be held October 31, 2000.

(d) **Delegation of Approval Authority- Site Plan Control Applications (PDC00176)** (Item 4.4)

This item was deferred to the special meeting of the Planning and Development Committee to be held October 31, 2000.

(e) **Information Items** (Item 4.12)

That the following Information Items as previously distributed to Members of the Planning and Development Committee be received:

- (i) General Manager, Community Planning and Development Division re: 195 Ferguson Avenue North- Implementation of the Wesley Ontario Municipal Board Decision (eighth report) (PDC99088H) dated October 11, 2000.
- (ii) General Manager, Community Planning and Development Division re: Ontario Municipal Board Decision on the City's Draft By-law to Regulate Rendering Plants (PDC00177) dated October 12, 2000.
- (iii) Corporate Counsel re: Litigation Matter-Private and Confidential (LS00022) dated October 13, 2000.

(f) **Request for a waiver of the 2 year building requirement as per bill PR 140 for Belvidere property from Clair W. Sellens** (Previously Tabled) (Item 5.1)

Alderman Kelly felt that the wish of the residents to permit the land to be vacant should be respected.

Alderman Charters said that this would set a precedent for those property

owners wanting to demolish their buildings by letting them become dilapidated. Alderman Copps concurred.

Alderman Haining felt that dilapidated buildings in the downtown core should be removed but that ideally, they should be replaced.

Alderman Kelly moved that the waiver be granted for a five year period. There was no seconder.

A motion was placed on the floor to deny the request and was lost.

Quorum was momentarily lost and the Committee reconvened and deferred this matter to a special meeting of the Planning and Development Committee to be held October 31, 2000.

(g) **Referral of Council Correspondence regarding Enterprise Zones from Regional Council (Item 5.2)**

Deferred to a special meeting of the Planning and Development Committee to be held October 31, 2000.

(h) **Demolition of 30 Norfolk Street North (PDC00169)(Item 5.3)**

Submissions were received from the following:

1. Mr. & Mrs. Grigg, 35 Thorndale Ave. N, Hamilton
2. Pauline Rizdon, 31 Thorndale Ave. N, Hamilton
3. Jim & Betty Betchel, 9 Sanders Boulevard, Hamilton
4. Gerald Crevier, 10 Norfolk Street, Hamilton
5. Helen and R.J. Wright, 19 Norfolk Street, Hamilton
6. Phyllis Tresidder, President, Ainslie Wood/ Westdale Community Association of Resident Homeowners

The Committee adjourned into closed session to request legal advice and reconvened immediately thereafter and resolved to deny the request for demolition permit.

(i) **OTHER BUSINESS**

- a) **Potential Litigation Matter, Corporate Counsel (LS00024) (added)**

The Committee adjourned into closed session to request legal advice and reconvened immediately thereafter and resolved to extend the agreement regarding Auchmar with conditions.

b) Payment of Accrued Parkland Credit, Wellington Chase-Phase 1 (FAC00012)(added item)

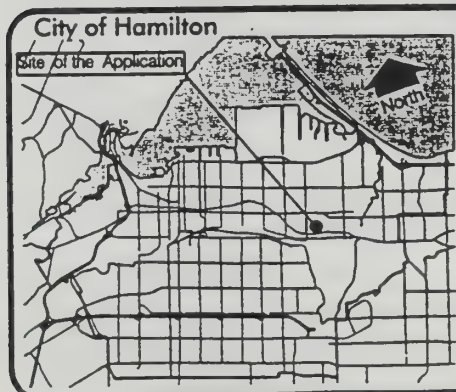
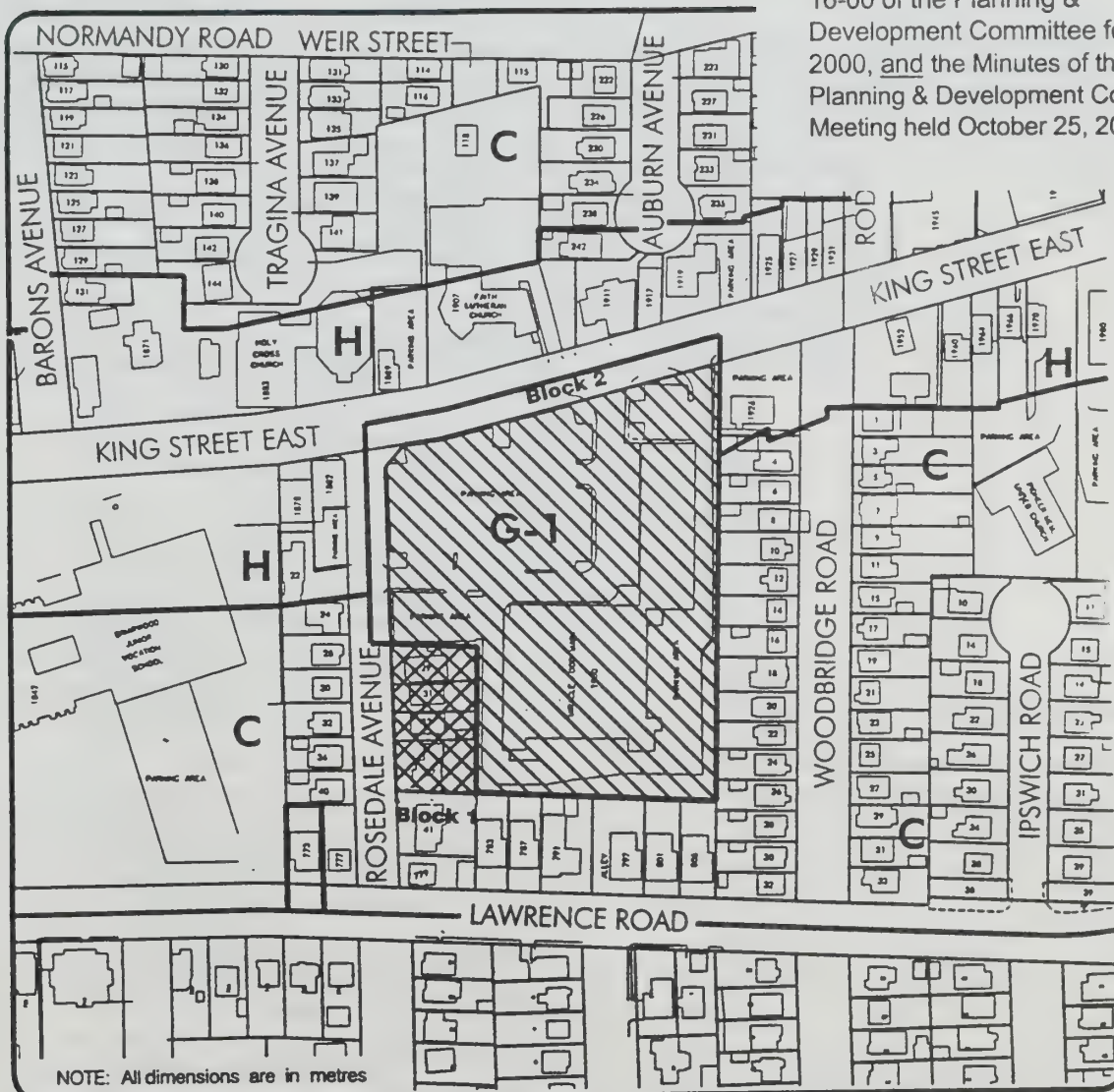
The Committee approved the recommendation of the Acting City Manager dated October 23, 2000.

Note: The meeting of the Planning and Development Committee adjourned at 1:05 p.m.

**Alderman F. D'Amico, Chairperson
Planning and Development Committee**

**Tina Agnello, Legislative Assistant
October 25, 2000**

Appendix "A" referred to in Section 1 of Report 16-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 25, 2000.



Community Planning and Development Division

Location Map

Legend

Block 1



Change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District, Modified.

Block 2



Modification to the "G-1" (Designed Shopping Centre) District, Regulations.

Reference File No.

ZAC-00-27

Scale

NOT TO SCALE

Date

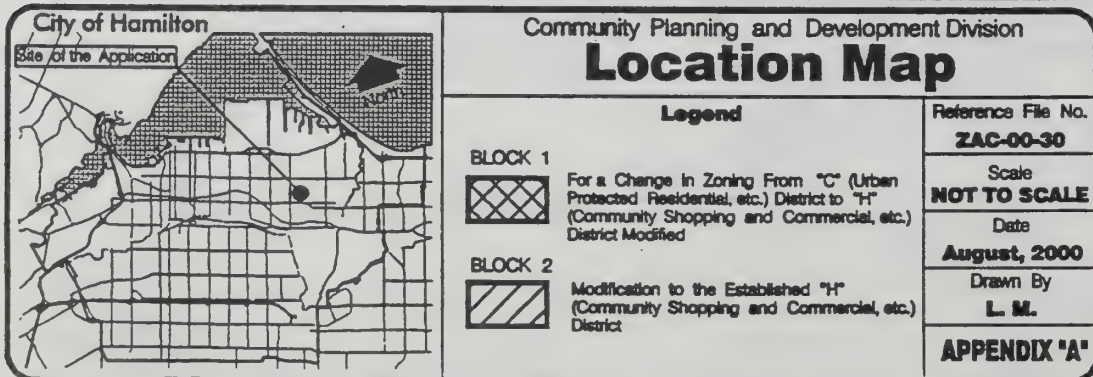
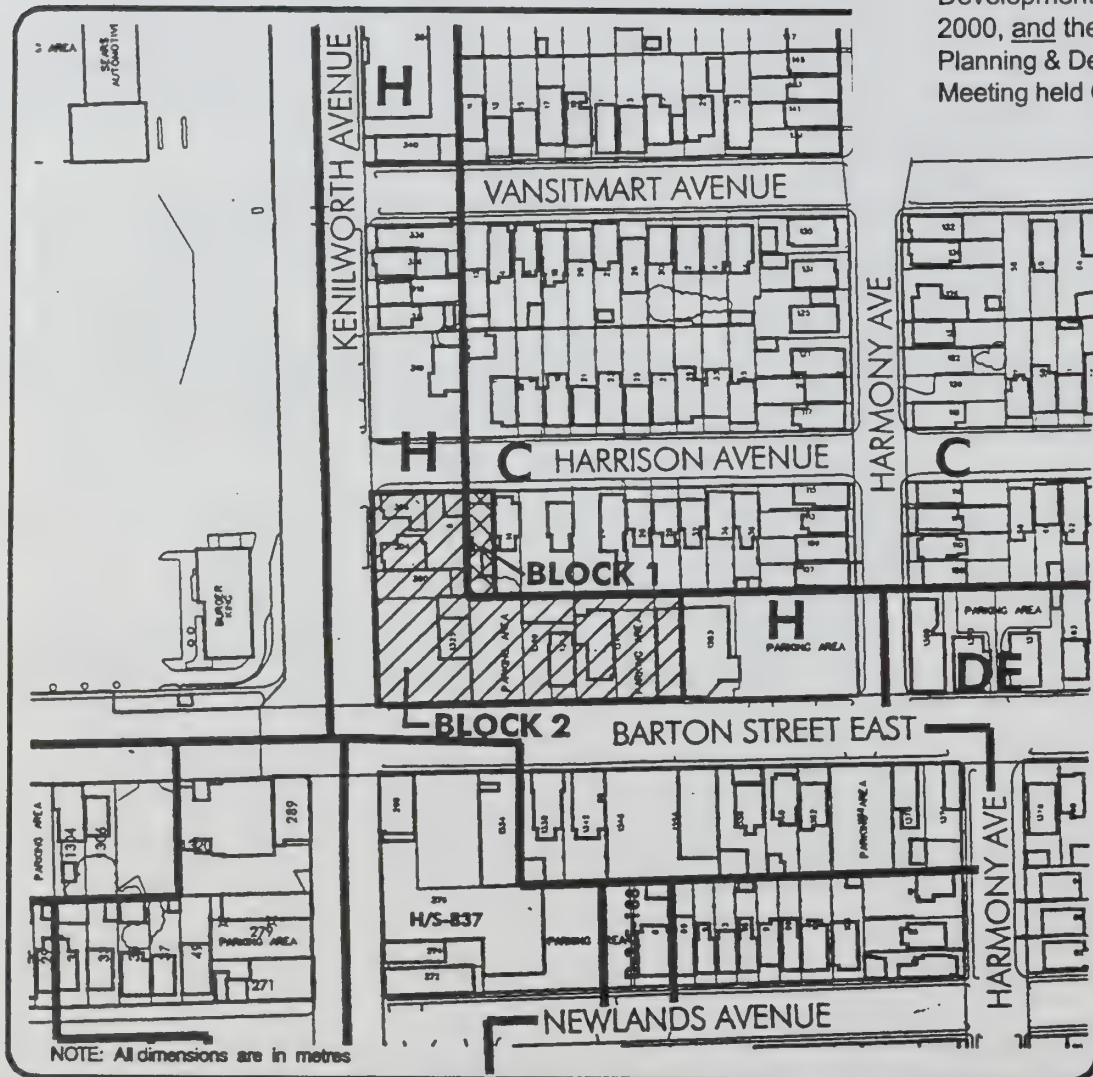
August, 2000

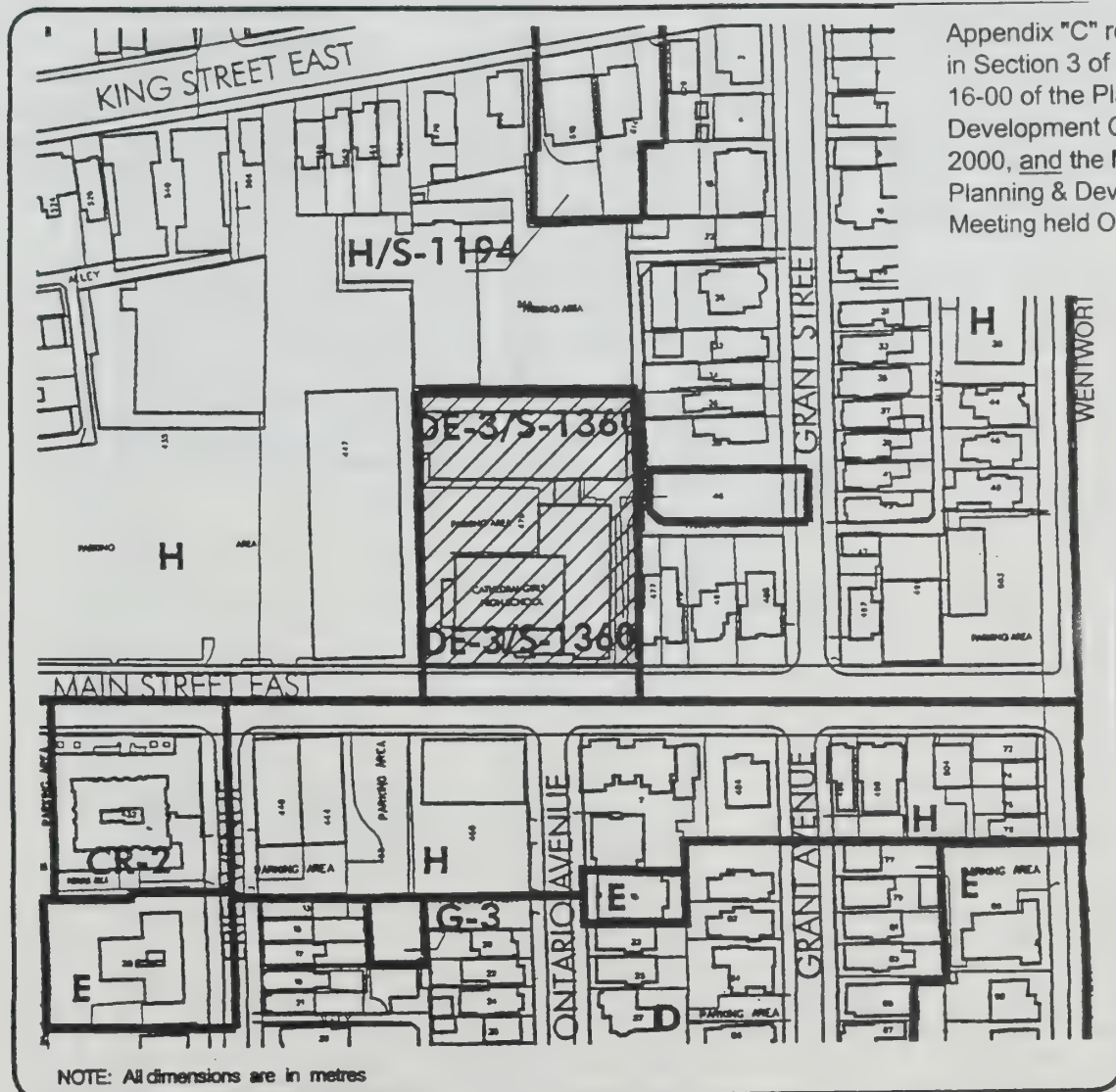
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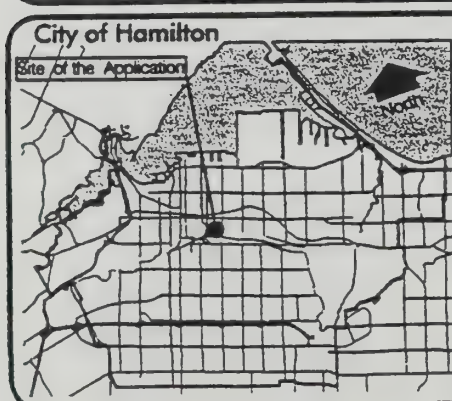
APPENDIX "A"

Appendix "B" referred to
in Section 2 of Report
16-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held October 25, 2000.






Appendix "C" referred to in Section 3 of Report 16-00 of the Planning & Development Committee for 2000, and the Minutes of the Planning & Development Committee Meeting held October 25, 2000.



Community Planning and Development Division

Location Map

Legend

 Further modification to the "DE-3" (Multiple Dwellings) District

Reference File No.

ZAC-00-22

Scale

NOT TO SCALE

Date

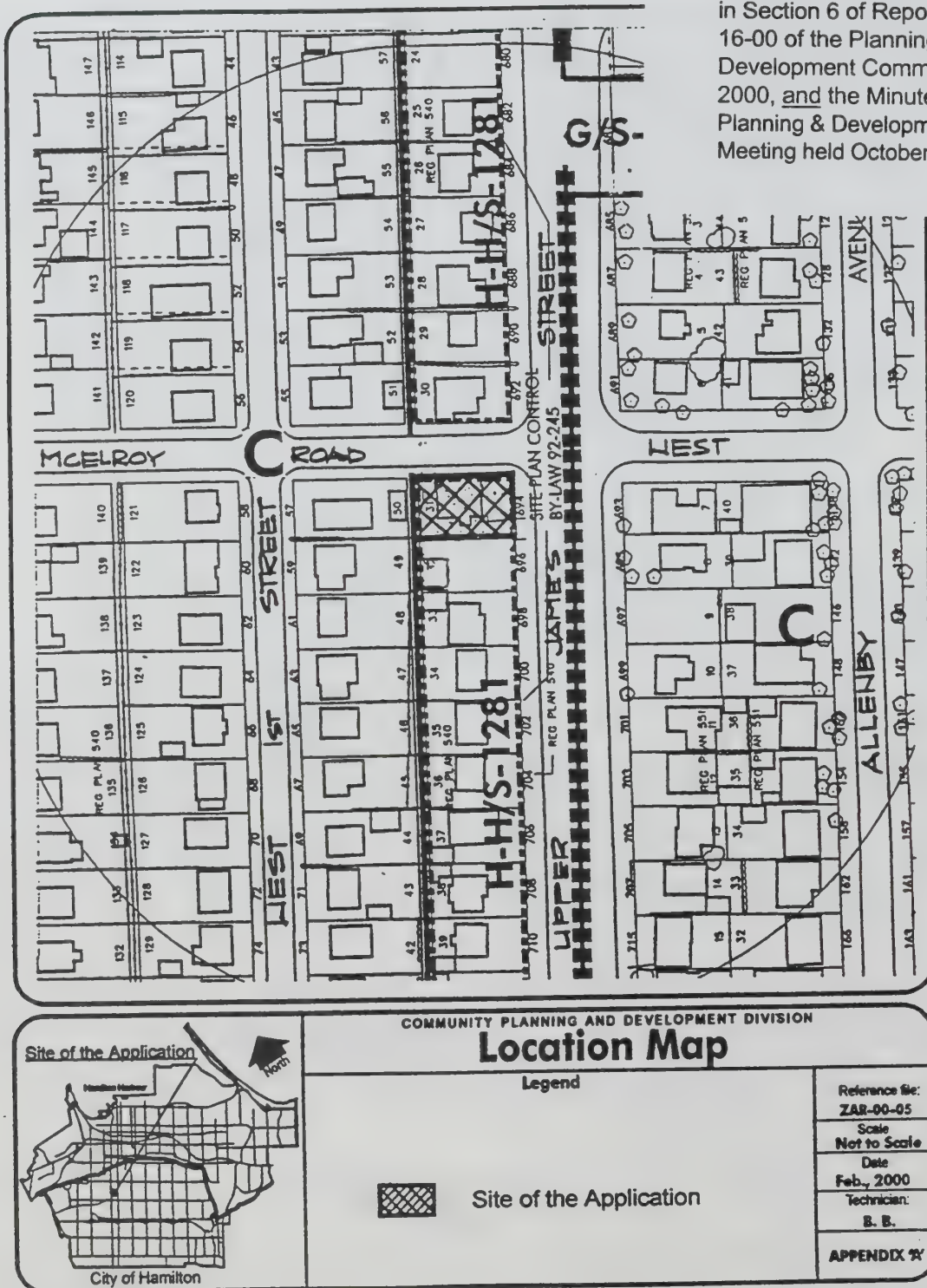
June, 2000

Drawn By

B. B.

APPENDIX 'A'

Appendix "D" referred to
in Section 6 of Report
16-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held October 25, 2000.



in Section 8 of Report
16-00 of the Planning
Development Comm
2000, and the Minutes
Planning & Developm
Meeting held October

WEST FIFTH

CLOVERHILL

GLENWOOD CR.

MOUNT CENACLE RETREAT HOUSE

ORCHARD

GARDENING AREA

FENNEL AVENUE

ST.

Appendix "F" referred to
in Section 11 of Report
16-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held October 25, 2000.

**Westdale Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001 (PWT)**

APPENDIX

WESTDALE VILLAGE BUSINESS IMPROVEMENT AREA'S

2001 BUDGET

Rent	\$ 1,200
Insurance	\$ 1,600
Wages, B.I.A.	\$10,000
Board Expense	\$ 1,200
Audit	\$ 350
Annual General Meeting	\$ 400
Plant Maintenance & Area Care	\$ 2,250
Event Promotions	\$20,000
Advertising Area as a Destination	<u>\$ 8,000</u>

TOTAL BUDGET \$45,000

International Village Business Improvement Area (B.I.A.) –
Proposed Budget and Schedule of Payment for 2001 (PWT00186)

Appendix "G" referred to
in Section 12 of Report
16-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held October 25, 2000.

APPENDIX

INTERNATIONAL VILLAGE BUSINESS IMPROVEMENT AREA'S

2001 BUDGET

OPERATIONS:

Rent	\$ 8,400
Utilities	\$ 2,500
Phone/Fax	\$ 1,800
Office Supplies	\$ 1,500
Equipment Purchases	\$ 2,500
Bank Charges	<u>\$ 400</u>

Sub-Total \$17,100

WAGES:

Executive Director	\$31,000
Wage Costs	<u>\$ 3,410</u>

Sub-Total \$34,410

MISCELLANEOUS:

Insurance	\$ 1,400
Audit	\$ 440
Printing & Postage	\$ 1,500
Advertising/Promotion	<u>\$12,650</u>

Sub-Total \$15,990

Contingency \$ 2,500

TOTAL \$70,000

Appendix "H" referred to
in section 13 of Report
16-00 of the Planning &
Development Committee for
2000, and the Minutes of the
Planning & Development Committee
Meeting held October 25, 2000.

Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payment for 2001 (PWT00187)

APPENDIX

CONCESSION STREET BUSINESS IMPROVEMENT AREA'S

2001 BUDGET

Advertising and Promotion:

Installation & Storage of Christmas Decorations	\$ 3,000
Hydro-Christmas Lights	\$ 850
Streetfest & Corn Roast	\$ 8,600
Christmas, Bunny Hunt, Halloween, Newsletter	\$ 2,200

Administration:

Office supplies, stamps, envelopes, printing, newsletter	\$ 1,000
Insurance	\$ 950
Accounting Auditor	\$ 350

Other:

Wine & Cheese, Business to Business	\$ 700
Clean Sweep, Miscellaneous	\$ 500
Co-op advertising	\$ 2,000
Staff Contract	\$ 6,000

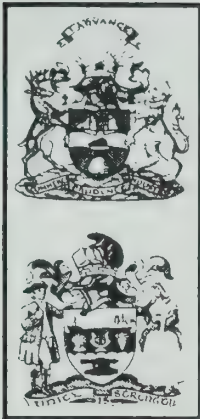
TOTAL **\$26,150**

FINANCE AND ADMINISTRATION COMMITTEE

**REPORT OF THE MEETING TO BE HELD
OCTOBER 31**

(TO BE DISTRIBUTED AT CITY COUNCIL)

L I C E N S I N G C O M M I T T E E



REPORT

CITY OF HAMILTON LICENSING COMMITTEE

Wednesday, October 4, 2000

6:00 p.m.

Room 219, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman B. Kelly (Chairperson), Alderman D. Haining, D. Drury

Regrets: Alderman F. Eisenberger, N. Mleczko,

Also Present: D. Rose, S. Glover

Alderman B. Kelly, Chairperson, called the meeting to order.

THE CITY OF HAMILTON LICENSING COMMITTEE PRESENTS REPORT 06-00 AND RESPECTFULLY RECOMMENDS:

1. Kenneth Kingston – Taxi Cab Driver Licence (Item 3.1)

That the Taxi Cab Driver Licence application of Kenneth Kingston be granted subject to Mr. Kingston submitting an updated driving abstract to the Issuer of Licences on October 31, 2001.

2. Daniel Cameron – Taxi Cab Driver Licence (Item 3.2)

That the Taxi Cab Driver Licence application of Daniel Cameron be granted subject to Mr. Cameron providing a letter from his doctor that he is medically fit to drive, and submitting an updated driving abstract to the Issuer of Licences on April 30, 2001.

FOR THE INFORMATION OF CITY COUNCIL:

(a) **Declarations of Interest** (Item 1)

None declared

(b) **Adoption of Minutes – August 23, 2000** (Item 2)

That the Minutes of the meeting of the City of Hamilton Licensing Committee held on August 23, 2000 be adopted.

(c) **Show Cause Hearings –** (Item 3)

The Licensing Committee met in camera to hold Show Cause Hearings with regard to the following Taxi Cab Driver Licences:

- (i) Kenneth Kingston, 563 Wilson Street East, Apt. 9, Hamilton, ON L8L 1T7
- (ii) Daniel Cameron, 91 Britannia Avenue, Hamilton, ON L8H 1W7

Confidential background material pertaining to these matters was circulated to Members of Council under separate cover.

- (iii) A hearing with regard to the Scott Park Hockey Association was cancelled due to the organization voluntarily agreeing to return its Bingo Lottery Licence:

(d) **Ratification of Licences** (PDC00120(A)) (Item 4)

The Committee formally approved the Licence Reports respecting licence applications for the period from June 21 to September 28, 2000.

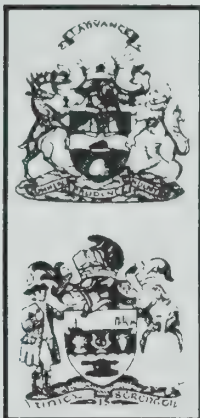
(e) **Other Business** (Item 5)

None

Note: The meeting of the City of Hamilton Licensing Committee adjourned at 6:20 p.m.

**Alderman Bill Kelly, Chairperson
City of Hamilton Licensing Committee**

**Stella Glover, Legislative Assistant,
October 4, 2000**



REPORT

CITY OF HAMILTON LICENSING COMMITTEE

Tuesday, October 17, 2000
7:00 p.m.
Room 219, Hamilton City Hall
71 Main Street West, Hamilton

Present: Alderman B. Kelly (Chairperson), Alderman D. Haining, D. Drury, N. Mleczko

Regrets: Alderman F. Eisenberger – Other Business

Also Present: D. Rose, S. Glover

Alderman B. Kelly, Chairperson, called the meeting to order.

THE CITY OF HAMILTON LICENSING COMMITTEE PRESENTS REPORT 07-00 AND RESPECTFULLY RECOMMENDS:

1. Jovaune Rhodes – Taxi Cab Driver Licence

That the Taxi Cab Driver Licence application of Jovaunne Rhodes be granted subject to Mr. Rhodes submitting an updated driving abstract to the Issuer of Licences on April 30 and October 31, 2001.

FOR THE INFORMATION OF CITY COUNCIL:

(a) Declarations of Interest

None declared

(b) Show Cause Hearing

The Licensing Committee met in camera to hold a Show Cause Hearing with regard to the Taxi Cab Driver Licence application of Mr. Jovaune Rhodes.

Confidential background material pertaining to this matter was circulated to Members of Council under separate cover.

Note: The meeting of the City of Hamilton Licensing Committee adjourned at 7:20 p.m.

**Alderman Bill Kelly, Chairperson
City of Hamilton Licensing Committee**

**Stella Glover, Legislative Assistant,
October 17, 2000**

UNFINISHED BUSINESS

Unfinished Business from October 20, 2000 City Council meeting:

9. Environmental Appeal Board – Scott-MacDonald Marine (LS00021)
(Item 7.2)

That the City of Hamilton seek party status before the Environmental Appeal Board with respect to the Appeal by Scott-MacDonald Marine of the denial of its application for a permit to apply herbicide to the water lots leased by it from the City, and oppose the application to apply herbicide to the City-owned water lots.

**TABLED UNTIL THE NEXT MEETING OF CITY COUNCIL IN ORDER TO
INVESTIGATE HERBICIDE PROPOSED TO BE USED. CARRIED.**



BILLS

CITY OF HAMILTON CITY COUNCIL

**Tuesday, October 31, 2000
8:30 p.m.**

**Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton**

A-059 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

A-060 Being a By-law to Amend By-law No. 89-72 to Regulate Traffic

A-061 Being a By-law to Sell part of Dulgaren Street, City of Hamilton

A-062 Being a By-law to Close and Sell part of Bedford Street, City of Hamilton

A-063 Being a By-law to incorporate City land designated as Parts 8 and 11 on Plan 62R-15300 into Southridge Drive

A-064 Being a By-law to incorporate City land designated as Block 45 on Plan 62M-495 and designated as Parts 1, 2, 3 and 4 on Plan 62R-15211 into Crerar Drive

A-065 Being a By-law to incorporate City land designated as Block 20 on Plan 62M-719 and designated as Parts 3 and 4 on Plan 62R-15560 into Lynnette Drive

A-066 Being a By-law to incorporate City land designated as Block 67 on Plan 62M-663 into Massena Drive

A-067 Being a By-law to incorporate City land designated as Part 7 on Plan 62R-14441 into Matthew Street

C-076 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-law No. 89-280 respecting lands located at Municipal Nos. 330 and 342 Dundurn Street South.

C-077 A By-law to Amend Zoning By-law No. 6593 as amended by Zoning By-laws No. 76-312 and 94-178 respecting land located at Municipal No. 180 Walnut Street South.

C-078 A By-law to Remove Land within the “Tiffany Park” Subdivision, Plan 62M-896 from Part Lot Control.

C-079 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-laws No. 84-234, 88-44 and 89-220 Respecting Lands Located at Municipal No. 1033 Main Street West.

C-080 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 96-152 Respecting Lands Located at the South East Corner of Chedmac Drive and Redfern Avenue.

C-081 A By-law to Amend Zoning By-law No. 6593 As Amended by Zoning By-law No. 96-108 Respecting Lands Located at Municipal No. 475 Main Street East.

C-082 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 1325-1345 Barton Street East, 300-308 Kenilworth Avenue North and 8 Harrison Avenue.

C-083 A Bylaw to Establish Site Plan Control Respecting Land Located at Municipal No. 88 Fennell Avenue West.

C-084 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"Francis	South from 25 feet east of Douglas to 20 feet easterly therefrom	1/4 hr 8 am - 9 pm Mon - Sun"
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2. That **Schedule 26 (No Parking Areas)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Belmont	East commencing 203 feet south of Dunsmure and extending 24 feet southerly therefrom	Anytime
Burlington	North Westerly end to James	Anytime
Burlington	North Mary to Wellington	Anytime
Aberdeen	North Bay to 105 feet westerly	Anytime
Hess	East commencing 82 feet north of Barton and extending 300 feet northerly therefrom	7 am - 4 pm Mon - Fri
Hess	West commencing 110 feet north of Barton and extending 271 feet northerly therefrom	7 am - 4 pm Mon - Fri
Balmoral	East Barton to 287 feet southerly	Anytime
Graystone	North Greyfriar to 99 feet easterly	Anytime"

and by deleting therefrom the following items, namely:-

"Burlington	North	Westerly end to Wellington	Anytime
Hess	East	215 ft. north of Barton to 390 ft. northerly	Anytime
Hess	West	commencing 110 feet north Barton and extending 129 feet northerly therefrom	7 am - 4 pm Mon - Fri
Balmoral	East	Barton to 223 ft. southerly	Anytime"

3. That **Schedule 27 (Alternate Side Parking)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following item, namely:-

"Winston Place	East	West"
Royal Avenue to the northerly end		

4. That **Schedule 34 (Sticker Permit Parking)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Ferguson	West	commencing 166 feet north of Ferrie and extending 42 feet northerly therefrom	Anytime
Eastbourne	East	commencing 170 feet north of Cumberland and extending 27 feet northerly therefrom	Anytime
Eastbourne	West	commencing 83 feet north of Cumberland and extending 28 feet northerly therefrom	Anytime"

and by deleting therefrom the following item, namely:-

"Ferguson	West	commencing at a point 184 ft. north of Ferrie to a point 27 feet northerly therefrom	Anytime"
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5. In all other respects By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.
6. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 31st day of October, 2000.

ACTING MUNICIPAL CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Intersection Control)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Adeline	Northbound and Southbound	Dunsmure
Cameron	Northbound and Southbound	Monterey
Earl	Northbound and Southbound	Princess
Case	Eastbound and Westbound	Ruth
Whitney	Eastbound and Westbound	Ewen
Chedmac	Northbound and Southbound	Redfern
Lottridge	Northbound and Southbound	Clinton
Templemead	Eastbound and Westbound	Tudor
East 33rd	Northbound and Southbound	Munn
Upper Gage	Northbound and Southbound	Cadham/Terni"

and by deleting therefrom the following item, namely:-

"Queensdale	Eastbound and Westbound	East 33rd"
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2. That **Schedule 31 (School Bus Loading Zones)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Secord	South	154 feet	101 feet east of Rainbow	7:00 a.m. - 6:00 p.m. Monday to Saturday
Seneca	East	90 feet	1228 feet north of Alderlea	7:00 a.m. - 6:00 p.m. Monday to Saturday
Caledon	West	205 feet	commencing at the extended south curb line of Lotus	7:00 a.m. - 6:00 p.m. Monday to Saturday"

and by deleting therefrom the following items, namely:-

"Secord	South	79 feet	commencing at a point 177 feet east of Rainbow	7:00 a.m. - 6:00 p.m. Monday to Saturday
Springside	West	90 feet	commencing 800 feet south of Lister	7:00 a.m. - 6:00 p.m. Monday to Saturday
Springside	West	48 feet	commencing at a at a point 667 feet south of Lister	7:00 a.m. - 6:00 p.m. Monday to Saturday"

3. That **Schedule 35 (Wheelchair Loading Zones)** of By-law 89-72, as amended, is hereby further amended by adding thereto the following items, namely:-

"Picton	North	40 feet	31 feet east of Bay	Anytime
East 19th	West	70 feet	378 feet south of Concession	7:00 a.m. - 6:00 p.m. Monday to Saturday
Benvenuto	South	25 feet	253 feet east of Spadara, on south branch	Anytime"

and by deleting therefrom the following items, namely:-

East 18th	East	40 feet	226 feet south of Concession	7:00 a.m. - 6:00 p.m. Monday to Saturday"
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4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, is hereby confirmed unchanged.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 31st day of October, 2000.

ACTING MUNICIPAL CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW 00-

BEING A BY-LAW TO SELL
PART OF DULGAREN STREET, CITY OF HAMILTON

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 (1) of the Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the part of Dulgaren Street, being an unopened road allowance and being Parts 1, 2, 3, 4 & 5 on Plan 62R-15337; is under the jurisdiction of the Corporation of the City of Hamilton;

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting item 1 of the 2nd Report of the Transport and Environment Committee, at its meeting on February 11, 1997, did approve the stopping up, closing and sale of the said part of Dulgaren Street;

AND WHEREAS the Ontario Court General Division, on November 6, 1997, did grant an Order closing the subject unopened road allowance, said Order being registered on title as instrument No. LT478474;

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting Item 3 of the 16th Report of the Finance and Administration Committee, at its meeting on November 9, 1999, did declare the said part of Dulgaren Street to be surplus to the requirements of the City;

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting Item D-6 of the Committee of the Whole report on September 06, 2000, did authorize the sale of the said part of Dulgaren Street, to Harp Homes Inc. for the sum of \$21,000 pursuant to the Municipal Act;

AND WHEREAS notice of the intention of the Council of the City of Hamilton to pass this by-law has been published, as required by section 300 of the Municipal Act, for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of the Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this by-law;

NOW THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the soil and freehold of the portion of Dulgaren Street set out as:

PIN 16921-0167 (LT)

Part of Dulgaren Street, Eleanor Heights, Registered Plan 853, designated as Parts 1, 2, 3, 4 and 5 on Plan 62R-15337

City of Hamilton

Regional Municipality of Hamilton-Wentworth

be sold to Harp Homes Inc., being the owner of the abutting property, in accordance with its Offer to Purchase, for the price of \$21,000.

2. That this By-law shall come into force and effect on the date of its registration in the Land Registry Office for the Registry Division of Wentworth.

Passed this 31st day of October, 2000.

Acting Municipal Clerk

Mayor

Approved:
By the Council
[Signature]
Leads:
Services

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW 00-

BEING A BY-LAW TO CLOSE AND SELL
PART OF BEDFORD STREET, CITY OF HAMILTON

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 (1) of the Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting Item 3 of the 15th Report of the Finance and Administration Committee on October 10, 2000, has authorized that steps be commenced pursuant to the Municipal Act for the stopping up, closing and sale of part of Bedford Street, being Parts 28 and 29, Plan 62R-12578 to Lena Muraca for the sum of \$2,000;

AND WHEREAS the said highway is under the jurisdiction of the Corporation of the City of Hamilton;

AND WHEREAS notice of the City's intention to pass this by-law has been published, as required by section 300 of the Municipal Act, for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of the Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this by-law;

NOW THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the portion of Bedford Street set out as:

PIN 16914-0201 (LT)
Bedford Street, Registered Plan 944, designated as Parts 28 and 29 on Plan 62R-12578
Being ALL of the PIN
City of Hamilton
Regional Municipality of Hamilton-Wentworth

is hereby stopped up and closed.

2. That the soil and freehold of the said portion of Bedford Street, hereby stopped up and closed, be sold to Lena Muraca, being the owner of the abutting property, in accordance with her Offer to Purchase, for the price of \$2,000.
3. That this By-law shall come into force and effect on the date of its registration in the Land Registry Office for the Registry Division of Wentworth.

Passed this 31st day of October, 2000.

Acting Municipal Clerk

Mayor

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 45 ON PLAN 62M-495 and
DESIGNATED AS PARTS 1, 2, 3, AND 4 ON PLAN 62R-15211
INTO CRERAR DRIVE

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Crerar Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Crerar Drive.

Firstly:

Parcel Reserve-1, Section 62M-495, designated as Block 45 on Plan 62M-495,

Secondly:

Part of Lot 11, Concession 7, in the geographic Township of Barton, designated as Parts 1, 2, 3 and 4 on Plan 62R-15211,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 31st day of October A.D. 2000

Acting Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 20 ON PLAN 62M-719 and
DESIGNATED AS PARTS 3 AND 4 ON PLAN 62R-15560
INTO LYNNETTE DRIVE

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Lynnette Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Lynnette Drive.

Firstly:

Parcel Reserve-1, Section 62M-719, designated as Block 20 on Plan 62M-719,

Secondly:

Part of Lot 19, Concession 8, in the geographic Township of Barton, designated as Parts 3 and 4 on Plan 62R-15560,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 31st day of October A.D. 2000

Acting Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 67 ON PLAN 62M-663
INTO MASSENA DRIVE

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Massena Drive within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Massena Drive.

Parcel Reserve-1, Section 62M-663, designated as Block 67 on Plan 62M-663,
City of Hamilton
Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 31st day of October A.D. 2000

Acting Municipal Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 00-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 7 ON PLAN 62R-14441
INTO MATTHEW STREET

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Matthew Street within its limits;

AND WHEREAS the said land is owned by the Corporation of the City of Hamilton.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Matthew Street.

Part of Lot 18, Concession 7, in the geographic Township of Barton, designated as Part 7 on Plan 62R-14441,

City of Hamilton

Regional Municipality of Hamilton-Wentworth

2. That the General Manager of Transportation, Operations & Environment or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this 31st day of October A.D. 2000

Acting Municipal Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 98-280

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 330 AND 342 DUNDURN STREET SOUTH

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 98-280 on the 10th day of November 1998 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "H" and "G-1" Districts, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 5 of Report 14-00 of the Planning and Development Committee at its meeting held on the 26th day of September 2000, recommended that Zoning By-law No. 6593, as amended by By-law No. 98-280, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law No. 98-280, applicable to the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) Section 1.(a) of Zoning By-law No. 98-280 is repealed in its entirety and replace with the following:

"1. (a) notwithstanding Section 14. (1) (iiib) of Zoning By-law No. 6593, the following use shall be permitted:

- (i) a Senior Citizens Residential Care Facility for the accommodation of a maximum of ninety (90) persons within three floors of the building; and,
- (ii) for the purposes of this By-law, a "Senior Citizens Residential Care Facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board, or treatment and rehabilitation from drug and alcohol abuse; and,

(b) Section 14. (7) of Zoning By-law No. 6593 shall not apply to the subject lands;"

2. Section 2. (a) of Zoning By-law No. 98-280 is amended by deleting the words "lodging house" in the second line and replacing them with the words "Senior Citizens Residential Care Facility".

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 1 of this by-law.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1415a.

5. Sheet No. W-24 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1415a.

6. In all other respects, By-law No. 98-280 is hereby confirmed, unchanged.

7. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

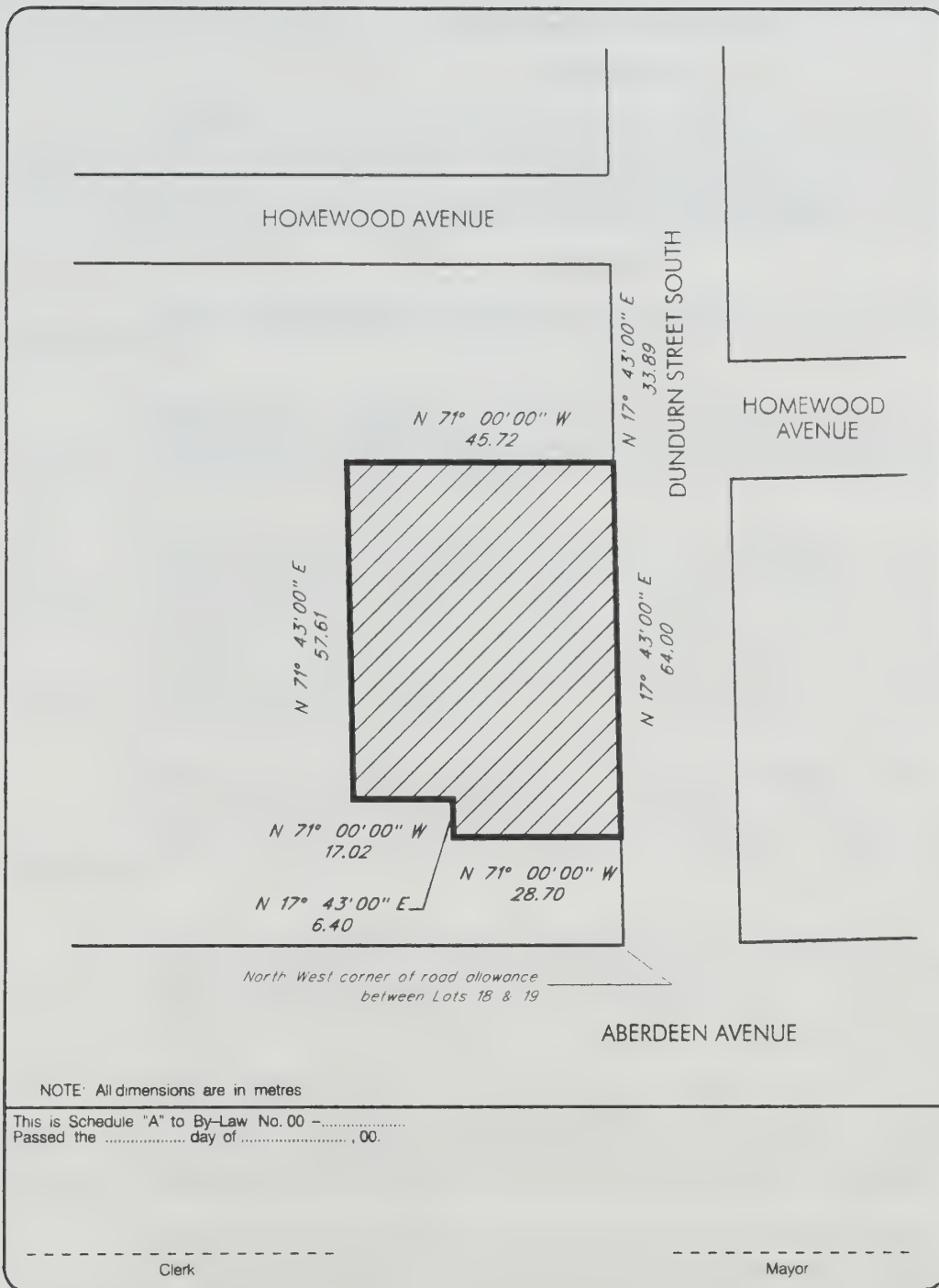
PASSED this

day of

A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00 _____
to Amend By-Law No. 6593

Community Planning and Development Division

Legend

Further modification to the "H" (Community Shopping and Commercial, etc.) District;

North 	Scale NOT TO SCALE	Reference File No. ZAC-00-01
	Date Oct., 2000	Drawn By B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-laws No. 76-312 and 94-178

Respecting:

LAND LOCATED AT MUNICIPAL NO. 180 WALNUT STREET SOUTH

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 76-312 on the 30th day of November 1976 to change the zoning and to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "E-1" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of December 1977, (O.M.B. File Number R 77324);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 94-178 on the 25th day of October 1994 to establish special requirements under Section 19B of Zoning By-law No. 6593 for the "E-1" District, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Ontario Municipal Board by its Amending Decision and Order dated the 25th day of September 1996, (Files No. O950106 and R950001), amended By-law No. 94-178 to permit a restaurant with a maximum seating capacity of 45 persons, only within the existing building, for a two year period, from the date of the Ontario Municipal Board's Final Order;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of Report 07-00 of the Planning and Development Committee at its meeting held on the 11th day of April 2000, recommended that Zoning By-law No. 6593, as amended by By-laws No. 76-312 and 94-178, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11A. of Zoning By-law No. 6593, as amended by By-laws No. 76-312 and 94-178 and by Ontario Municipal Board Order dated the 25th day of September 1996, are further amended to the extent only of the special requirement that,

(a) Paragraph 1 of Section 2 of Zoning By-law No. 76-312 is hereby deleted in its entirety and replaced with the following:

"1. Notwithstanding Section 11A. (1) of Zoning By-law No. 6593, the existing building located on the lands shown on Schedule "A" may only be converted for one (1) dwelling unit."

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-1" District provisions, subject to the special requirements referred to in section 2 of By-law No. 76-312, as amended by section 1 of By-law No. 94-178 and further amended by section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-490b.

4. Sheet No. E-5 of the District Maps is amended by marking the lands referred to in section 2 of By-law No. 76-312, as amended by section 1 of By-law No. 94-178, and further amended by section 1 of this by-law, S-490b.

5. In all other respects, By-law No. 76-312, as amended by By-law No. 94-178, is hereby confirmed, unchanged.

6. The Acting City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

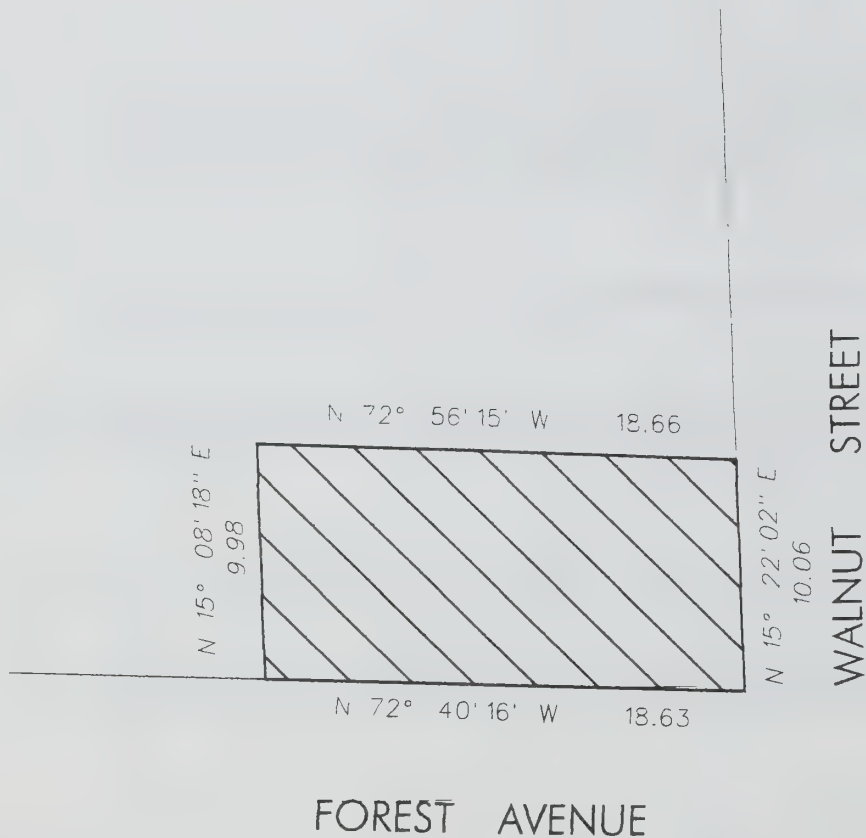
day of

A.D. 2000

ACTING CITY CLERK

MAYOR

(2000) 07-00 R.P.D.C. 1, April 11
Ivo Civitarese, Owner
ZAR-00-03



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 -.....
 Passed the day of , 00.

 Clerk

 Mayor

City of Hamilton

Schedule "A"


Map Forming Part of
 By-Law No. 00-_____

to Amend By-Law No. 6593

Community Planning and Development Division

Legend

 Further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District

North 	Scale	Reference File No
	NOT TO SCALE	ZAR-00-03
	Date	Drawn By
	May, 2000	B. B.

The Corporation of the City of Hamilton

BY-LAW No. 00 —

To Remove
Land within the "Tiffany Park" Subdivision, Plan 62M-896
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of subdividing the subject lands for semi-detached dwellings, shall not apply to the following lands:

Lots 27, 28, 29, 30, 32, 33 and 34, inclusive, Registered Plan Number 62M-896, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.

(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

(c) This By-law shall expire on November 1, 2001.

PASSED this 31st day of October

A.D. 2000.

Acting Municipal Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-laws No. 84-234, 88-44 and 89-220

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 1033 MAIN STREET WEST

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 84-234 on the 30th day of October 1984 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 1053 Main Street West, (now 1033 Main Street West), the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-44 on the 9th day of February 1988 to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 1053 Main Street West, (now 1033 Main Street West), the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-220 on the 26th day of July 1989 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 1033 Main Street West, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 3 of Report 15-00 of the Planning and Development Committee at its meeting held on the 10th day of October 2000, recommended that Zoning By-law No. 6593, as amended by By-laws No. 84-234, 88-44 and 89-220, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A. of Zoning By-law No. 6593, as amended by By-laws No. 84-234, 88-44 and 89-220, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) subsection 1. (a) (i), of By-law No. 89-220 is hereby deleted in its entirety and replaced with the following:

"1. (a) (i) on Block 3, subject to subsection (d), a lodging house shall be permitted subject to the following:

1. it is located within the building existing on the date of the passing of this by-law; and,
2. contains a lodging house for the accommodation of not more than 200 persons; and,
3. is occupied only by residents who are students attending Columbia International College."; and,

(b) Subsection 1. (a) (ii) 2. of By-law No. 89-220 is amended by deleting the phrase "9 multiple dwelling units for use by not more than 9 residents" and replacing it with the phrase "9 multiple dwelling units for use by not more than 18 residents", such that Subsection 1. (a) (ii) 2. of By-law No. 89-220 shall read as follows:

"1. (a) (ii) 2. Contains not more than 9 multiple dwelling units for use by not more than 18 residents and 99 lodging rooms for use by not more than 198 residents,"; and

(c) Subsection 1. (a) (ii) 3. of By-law No. 89-220 is deleted in its entirety and replaced with the following:

"1. (a) (ii) 3. is occupied only by residents who are students attending Columbia International College."

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2 of By-law No. 84-234, section 1 of By-law No. 88-44, section 1 of By-law No. 89-220 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-886c.

4. Sheets No. W-33 and W-34 of the District Maps are amended by marking the lands referred to in section 1, S-886c.

5. In all other respects, By-law No. 84-234, as amended by By-laws No. 88-44 and 89-220, is hereby confirmed, unchanged.

6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this

day of

A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 15-00 R.P.D.C. 3, October 10
Columbia International College, Owner
ZAR-00-29



This is Schedule "A" to By-Law No. 00 -
 Passed the day of, 00.

 Clerk

 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 00-____
 to Amend By-Law No. 6593

Community Planning and Development Division

Legend



Further modification to the established "HH"
 (Restricted Community Shopping and Commercial)
 District

North



Scale
 NOT TO SCALE

Date
 October, 2000

Reference File No
 ZA-00-29

Drawn By
 L.M.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 96-152

Respecting:

**LANDS LOCATED SOUTH-EAST CORNER OF CHEDMAC DRIVE
AND REDFERN AVENUE**

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-152 on the 24th day of September 1996 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "RT-20", "DE-3" and "AA" Districts, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 2 of Report 15-00 of the Planning and Development Committee at its meeting held on the 10th day of October 2000, recommended that Zoning By-law No. 6593, as amended by By-law No. 96-152, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "AA" (Agricultural) District provisions, as contained in Section 7A. of Zoning By-law No. 6593, as amended by By-law No. 96-152, applicable to the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 4. (a) of Zoning By-law No. 96-152, the following uses shall be permitted:
 - (i) a nursing home with a maximum capacity of 180 beds and accessory uses thereto on Block "1"; and,
 - (ii) a nursing home with a maximum capacity of 120 beds and accessory uses thereto on Block "2"; and,
- (b) Section 4. (b) of Zoning By-law No. 96-152 shall not apply to Block "1" or Block "2".

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "AA" District provisions, subject to the special requirements referred to in section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1363c.

4. Sheets No. W-36, W-37 and W-43 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1363c.

5. In all other respects, By-law No. 96-152 is hereby confirmed, unchanged.

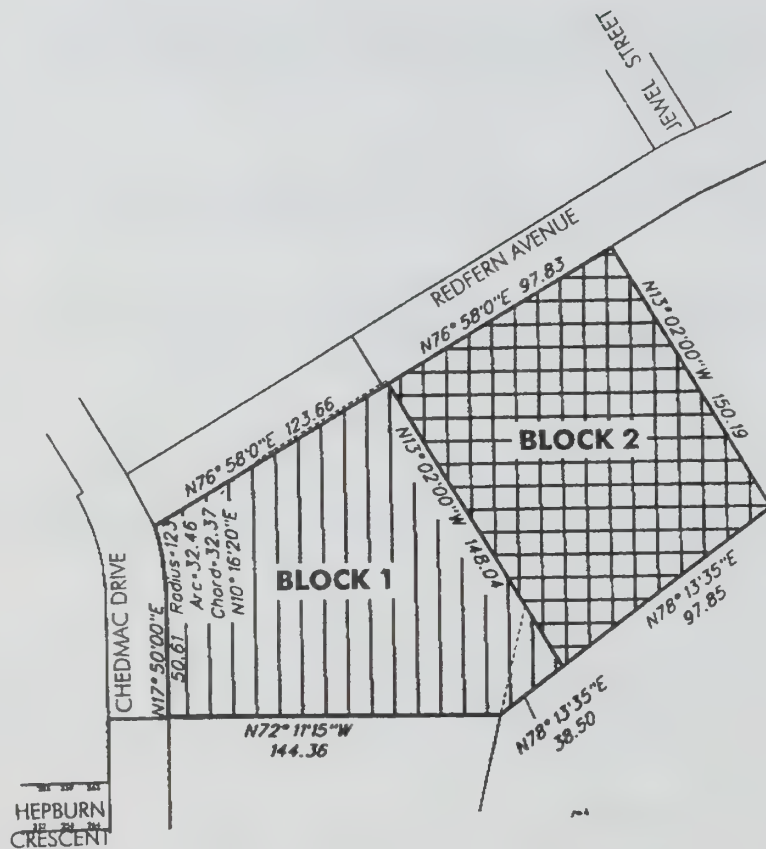
6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 31st day of October A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 15-00 R.P.D.C. 2, October 10
St. Peters Health System, Prospective Owner
ZAR-00-26



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 _____
 Passed the _____ day of _____, 00.

 Clerk

 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 00-_____
 to Amend By-Law No. 6593

Community Planning and Development Division

Legend

BLOCK 1



Further modification to the "AA"
 (Agricultural) District regulations.

BLOCK 2



Further modification to the "AA"
 (Agricultural) District regulations.

North



Scale

NOT TO SCALE

Date

September, 2000

Reference File No.

ZAR-00-26

Drawn By

L. M.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 96-108

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 475 MAIN STREET EAST

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-108 on the 25th day of June 1996 to change the zoning and to establish a special requirements under Section 19B of Zoning By-law No. 6593 for the "DE-3" District, in respect of the lands located at Municipal Nos. 475 Main Street East and 46 Grant Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C. of Zoning By-law No. 6593, as amended by By-law No. 96-108, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) Section 2.(a) of Zoning By-law No. 96-108 is repealed in its entirety and replaced with the following:

"2. (a) notwithstanding Section 10C. (1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":

- (i) a Senior Citizens Residential Care Facility for the accommodation of a maximum of one hundred and thirty-five (135) residents; and,
- (ii) a hair salon only in conjunction with a Senior Citizens Residential Care Facility; and,
- (iii) for the purposes of this By-law, a "Senior Citizens Residential Care Facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;"

(b) Section 2. (c) of Zoning By-law No. 96-108 is repealed in its entirety and replaced with the following:

"2. (c) notwithstanding Sections 10C. (2) and 10C. (5) of Zoning By-law No. 6593, the maximum height and gross floor area of the "Senior Citizens Residential Care Facility" shall not exceed five (5) storeys and 6,980.0 square metres (75,134.55 S.F.);" and,

- (c) Section 2. of Zoning By-law No. 96-108 is amended by deleting the words "Senior Citizen Multiple Dwelling" and replacing them with "Senior Citizens Residential Care Facility", wherever they appear;
- (d) Section 2.(b) of Zoning By-law No. 96-108 is amended by adding the phrase "and the fourth and fifth floor addition" after the word "building"; and,
- (e) Section 2. (i) of Zoning By-law No. 96-108 is repealed in its entirety; and,
- (f) Section 2. (f) of Zoning By-law No. 96-108 is amended by deleting the words "containing not more than seventy-eight (78) "housekeeping dwelling units""; and,
- (g) Section 10 C. (7) of Zoning By-law No. 6593, shall not apply to the subject lands; and,
- (h) a minimum 6.3 metre and 9.6 metre setback shall be provided and maintained from the easterly lot line for the fourth (4) and fifth (5) storeys respectively, notwithstanding clause (d) above; and,
- (i) an east wall sloped 45 degrees from the vertical shall be provided and maintained for the fourth and fifth storey east stairwell, and the stairwell roof and main roof shall continue this slope.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" District provisions, subject to the special requirements referred to in section 2 of By-law No. 96-108 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1360a.

4. Sheet No. E-13 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1360a.

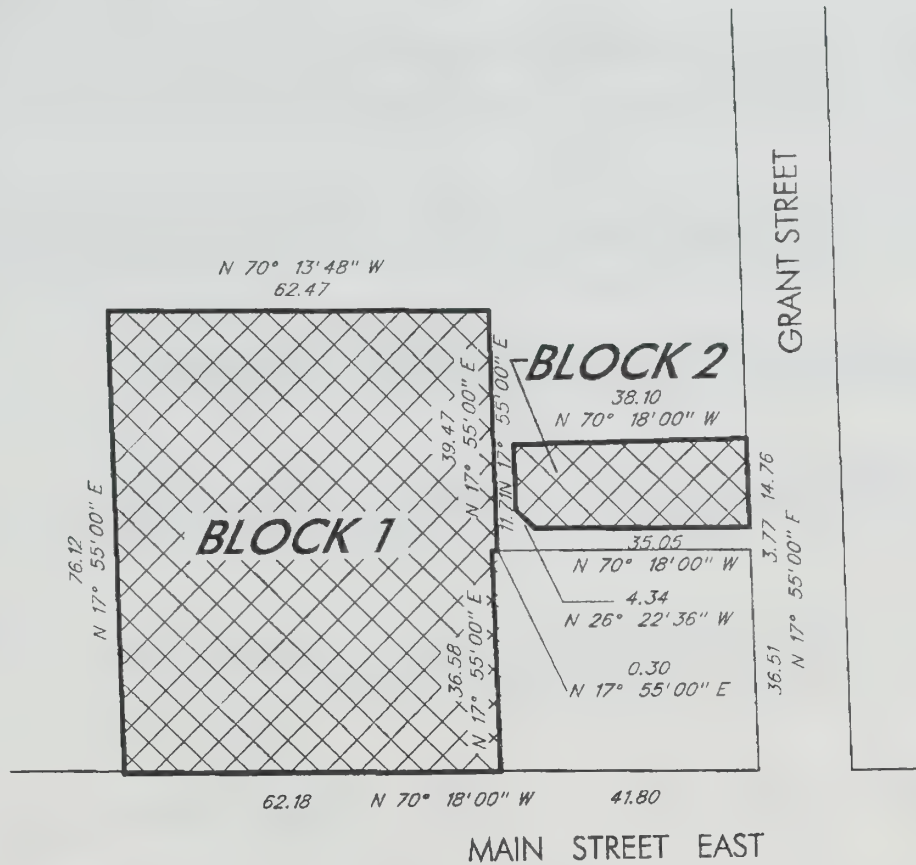
5. In all other respects, By-law No. 96-108 is hereby confirmed, unchanged.

6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 31st day of October A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00 _____
Passed the _____ day of _____, 00.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00-_____
to Amend By-Law No. 6593

Community Planning and Development Division

Legend



Further modification to the "DE-3" (Multiple Dwellings) District (BLOCKS 1 & 2)

North



Scale

NOT TO SCALE

Date

Oct., 2000

Reference File No.

ZAC-00-22

Drawn By

B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED AT MUNICIPAL NOS. 1325-1345 BARTON STREET EAST,
300-308 KENILWORTH AVENUE NORTH AND 8 HARRISON AVENUE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-63 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, the land comprised in Block "1",

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14. of Zoning By-law No. 6593, applicable to the lands comprised in Blocks "1" and "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14. (3) (ii) of Zoning By-law No. 6593, a minimum side yard setback of 3.25 metres shall be provided and maintained along the easterly lot line of Block "1"; and,
- (b) notwithstanding Section 14. (3) (iii) of Zoning By-law No. 6593, a minimum rear yard setback of 5.0 metres shall be provided and maintained along Harrison Avenue; and,
- (c) notwithstanding Section 18A. (1) (d) of Zoning By-law No. 6593, a 9.0 metre by 3.7 metre by 4.3 metre loading space shall be provided and maintained; and,
- (d) notwithstanding Section 18A. (10), (32) and (33) of Zoning By-law No. 6593, the required manoeuvring space for the loading space will be within the access driveway and infringe upon the required manoeuvring space of three (3) parking spaces adjacent to the principal building; and,

- (e) a minimum 3.25 metre wide landscape area and a 1.8 metre minimum to 2.0 metre maximum high visual barrier shall be provided and maintained along the easterly lot line of Block "1".

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1453.

5. Sheet No. E-63 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1453.

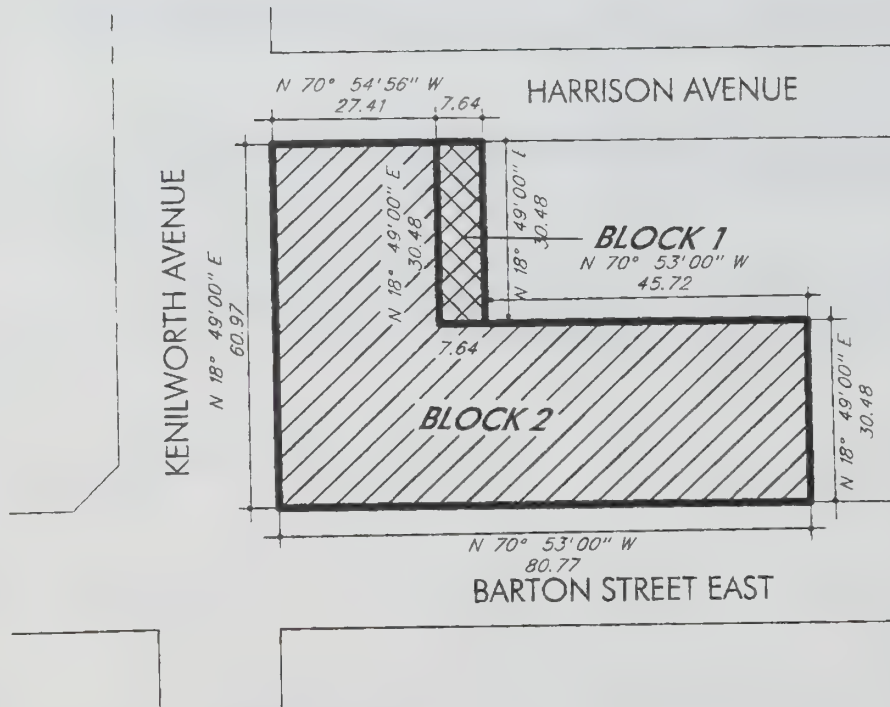
6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 31st day of October A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

(2000) 16-00 R.P.D.C. 2, October 25
East Hamilton Radio (c/o Ron Taillon), Owner
Amended ZAC-00-30



This is Schedule "A" to By-Law No. 00
 Passed the day of, 00.

 Clerk

 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 00-_____
 to Amend By-Law No. 6593

Community Planning and Development Division

Legend

BLOCK 1



For a Change in Zoning From "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District Modified

BLOCK 2



Modification to the Established "H" (Community Shopping and Commercial, etc.) District

North



Scale
 NOT TO SCALE

Date
 Oct., 2000

Reference File No.
 ZAC-00-30

Drawn By
 B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 00-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 88 FENNEL AVENUE WEST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 98-173, passed on the 30th day of June 1998, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

185. Land located at Municipal No.88 Fennell Avenue West, shown on Appendix 185 hereto annexed and forming part of this by-law.
2. Appendix 185 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this

day of

A.D. 2000

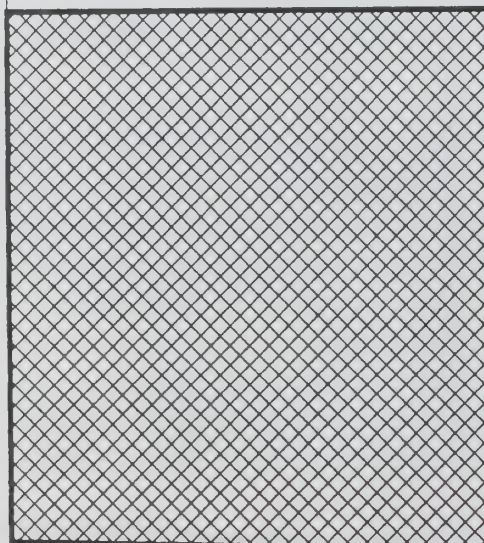
CLERK

MAYOR

WEST 5TH STREET

N 16° 11' 40" E
115.799

N 73° 46' 50" W
114.278



N 16° 19' 30" E
87.007

N 72° 05' 30" W
30.480

N 16° 20' 40" E
29.148

N 72° 05' 30" W
144.528

FENNEL AVENUE WEST

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 00-.....

Passed the day of, 2000.

Clerk

Mayor

City of Hamilton

Appendix 185

to the By-Law No. 79-275
as Amended by By-Law No. 87-223

Community Planning and Development Division

Legend



Lands designated under this By-Law
as an area of Site Plan Control
pursuant to section 41 of the
Planning Act, R. S. O. 1990.

North



Scale
NOT TO SCALE

Date
Oct., 2000

Reference File No.

A-99:180

Drawn By

B. B.

BY-LAW NO. 00 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 31st DAY OF OCTOBER, 2000.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 31ST day of OCTOBER A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

CAYON HBL A05

A31
2000

Office of the Municipal Clerk Memorandum

TO: Mayor Morrow and Members
Hamilton City Council

FROM: Susan K. Reeder
Acting Municipal Clerk
Office of the Municipal Clerk

URBAN MUNICIPAL

DEC 18 2000

PHONE: (905) 546-2727

GOVERNMENT DOCUMENTS

DATE: December 7, 2000

SUBJECT: Special Meeting - Hamilton City Council - Planning matters

Minister Clement recently advised of legislation passed to allow for "lame duck" Councils to "...continue to process development applications and make other land use planning decisions during the transition period, provided the transition board concurs."

There are several planning matters requiring consideration, and in accordance with the legislation will be presented to the Special Meeting of Hamilton City Council scheduled for Tuesday, December 12th, 2000 at 5:00 p.m.

A copy of the Agenda for this Special business section of the Ceremonial Last Council meeting is herewith attached.

S.K. Reeder

Cc J. Bruzzese, Acting General Manager
L. Coveyduck, General Manager, Planning and Development
R. Roszell, Corporate Counsel
T. Agnello, Legislative Assistant, Planning and Development Committee
P. Lampman, Building

Hamilton Public Library
Urban/Municipal Collection
2nd Floor, 55 York Boulevard
Hamilton, Ontario L8K 3K1
1 BILL



CAY ON HBL A05
A31
2000

AGENDA

CITY OF HAMILTON SPECIAL MEETING CITY COUNCIL

(available online at www.city.hamilton.on.ca/hccnet)

Tuesday, December 12, 2000
5:00 p.m.

Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Kevin C. Christenson,
Acting Municipal Clerk

Please Note: All Cellular Telephones and Pagers are to be switched to a non-audible function during Council and Committee meetings.

1. Call to Order
2. Correspondence :
 - 2.1 Appeal to By-law Number 00-197 respecting 1033 Main Street West
Recommendation: Be Received.
3. Motion to move into Committee of the Whole to consider the following:
 - 3.1 Application to Remove Part-Lot Control - Lots 2 - 8, inclusive and Block 9, Registered Plan 62M-919, "Royalvista Court" (PDC00188)
 - 3.2 Demolition of 498 Mountain Brow Boulevard (PDC00187)
4. Motion to adopt the Report of the Committee of the Whole
5. Motion to adopt Bills:

C-089	Being a By-law to remove land within the "Royalvista Court" Subdivision, Plan 62M-919 from Part Lot Control
C-090	Being a By-law to confirm proceedings of the Final meeting of the Corporation of the City of Hamilton
6. Adjournment

2.1

CITY OF HAMILTON
- INFORMATION -

DATE: December 6, 2000

REPORT TO: Mayor R.M. Morrow and
Members of City Council

FROM: K. C. Christenson, Acting Municipal Clerk

SUBJECT: Appeal to By-Law Number 00-197 respecting
1033 Main Street West

BACKGROUND:

An objection to the above-mentioned By-Law has been received from:

- a) Jason Ohayon, 1485 Main Street West, Hamilton L8S 1E1

The Following is attached hereto:

- 1. Copy of the By-Law
- 2. Copy of the Explanatory Note
- 3. Copy of the Objection

I propose to ask Council to deal with the objection at its meeting to be held December 12, 2000.



cc. Lee Ann Coveyduck, General Manager, Community Planning and Development
Division
Rand Roszell, Director of Legal Services and Corporate Counsel

The Corporation of the City of Hamilton

BY-LAW NO. 00-197

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-laws No. 84-234, 88-44 and 89-220

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 1033 MAIN STREET WEST

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 84-234 on the 30th day of October 1984 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 1053 Main Street West, (now 1033 Main Street West), the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-44 on the 9th day of February 1988 to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 1053 Main Street West, (now 1033 Main Street West), the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-220 on the 26th day of July 1989 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "HH" District, in respect of the land located at Municipal No. 1033 Main Street West, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 3 of Report 15-00 of the Planning and Development Committee at its meeting held on the 10th day of October 2000, recommended that Zoning By-law No. 6593, as amended by By-laws No. 84-234, 88-44 and 89-220, be further amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A. of Zoning By-law No. 6593, as amended by By-laws No. 84-234, 88-44 and 89-220, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) subsection 1. (a) (i), of By-law No. 89-220 is hereby deleted in its entirety and replaced with the following:

"1. (a) (i) on Block 3, subject to subsection (d), a lodging house shall be permitted subject to the following:

1. it is located within the building existing on the date of the passing of this by-law; and,
2. contains a lodging house for the accommodation of not more than 200 persons; and,
3. is occupied only by residents who are students attending Columbia International College."; and,

(b) Subsection 1. (a) (ii) 2. of By-law No. 89-220 is amended by deleting the phrase "9 multiple dwelling units for use by not more than 9 residents" and replacing it with the phrase "9 multiple dwelling units for use by not more than 18 residents", such that Subsection 1. (a) (ii) 2. of By-law No. 89-220 shall read as follows:

"1. (a) (ii) 2. Contains not more than 9 multiple dwelling units for use by not more than 18 residents and 99 lodging rooms for use by not more than 198 residents,"; and

(c) Subsection 1. (a) (ii) 3. of By-law No. 89-220 is deleted in its entirety and replaced with the following:

"1. (a) (ii) 3. is occupied only by residents who are students attending Columbia International College."

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2 of By-law No. 84-234, section 1 of By-law No. 88-44, section 1 of By-law No. 89-220 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-886c.

4. Sheets No. W-33 and W-34 of the District Maps are amended by marking the lands referred to in section 1, S-886c.

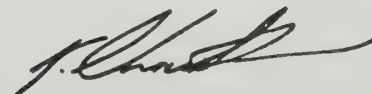
5. In all other respects, By-law No. 84-234, as amended by By-laws No. 88-44 and 89-220, is hereby confirmed, unchanged.

6. The Acting Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 31st day of

October

A.D. 2000



ACTING MUNICIPAL CLERK



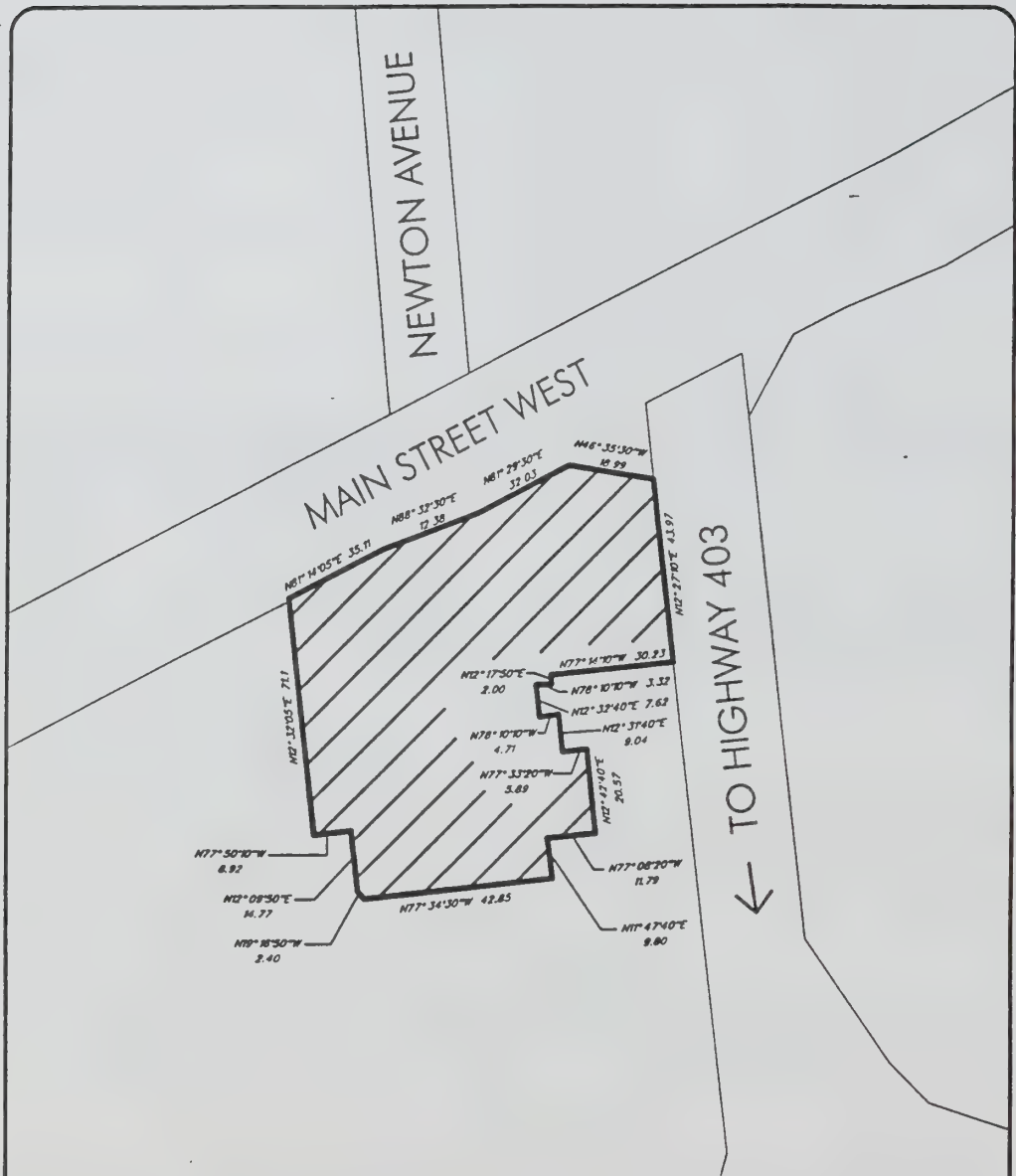
MAYOR

CERTIFIED A TRUE COPY (2000) 15-00 R.P.D.C. 3, October 10
Columbia International College, Owner
ZAR-00-29



Kevin C. Christenson
Acting Municipal Clerk





This is Schedule "A" to By-Law No. 00 - 197.....
Passed the31st... day of October...2000


Clerk


Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 00- 197

to Amend By-Law No. 6593

Community Planning and Development Division

Legend



Further modification to the established "HH"
(Restricted Community Shopping and Commercial)
District.



Scale
NOT TO SCALE

Date
October, 2000

Reference File No.
ZA-00-29

Drawn By
L.M.

EXPLANATION OF PURPOSE AND EFFECT OF
BY-LAW NO. 00-197

1. The purpose of By-law No. 00-197 is for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District is to permit the conversion of the existing school to a student residence for Columbia International College students for lands located at 1033 Main Street West.

The effect of the By-law is to permit the conversion of the building presently used for classrooms for a student residence. In addition, the By-law contains the following provisions as special requirements:

- permits the use of the 9 existing multiple dwelling units for student accommodation for a maximum of 18 residents;
 - permits a 99 room lodging house for 198 residents within the existing building; and,
 - restricts the residential use of the subject lands to students attending Columbia International College.
2. Only the property referred to above and shown on the attached map is affected by the By-law. However, all owners of property within 120 metres (400 feet) of the property affected by the By-law are required to be notified.

Acting Municipal Clerk
City Hall, Hamilton, Ontario

ZAR-00-29



City of Hamilton

Key Map

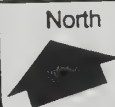
to By-Law No. 00-197

Community Planning and Development Division

Legend



Further modification to the established "HH"
(Restricted Community Shopping and Commercial)
District.



North

Scale
NOT TO SCALE

Date
October, 2000

Reference File No.

ZA-00-29

Drawn By

L. M.

Jason A. Ohayon MD FRCP(C) FAAP
Consulting ALLergy and Immunology

Mr. K. Christianson
Clerk,
City of Hamilton
Fax 546-2095

Friday December 1, 2000

Dear Mr. Christainson,

RE: Appeal of Zoning By-Law NO. 00-197

On behalf of the citizens of Dow Ave., Hamilton, ON, I am submitting my appeal to the current zoning By-Law 00-197. This By-Law was passed the 31st of October 2000. The By-Law proposes a conversion of the current Columbia school (1033 Main St. West) to a residence for potential occupation of 216 more students.

After much discussion among the neighborhood residents and merchants the issues for the appeal are outlined below:

1. Parking: Currently many of the students are parking their vehicles on Dow Ave, surrounding streets (i.e. Cline, Westwood) along with other commercial parking i.e. 1057 Main St. West locations. Frequently, the parking is in violation of the current city laws and is prohibited. Despite school administration attempts of solving this issue, students do not appear to be listening. This problem will only increase with an influx of 200+ students who will reside locally with automobiles to park.
2. Traffic: The area where Columbia resides is at the ramp entrance to Highway 403. Currently the on ramp is congested during the day especially after school hours. With an influx of students to the residence locally, many after school activities will require transportation, including personal vehicle utilization. This could lead to frequent congestion and potentially automobile accidents, due to the increase in traffic getting on to the 403. This in turn will increase the risk of pedestrian safety crossing the entrance to the ramp.
3. Local Civil Disobedience: This continues to be a problem for local area residents. To date there have been frequent disruptions, trespassing, damage of local neighbor's property by students at Columbia. Unfortunately, there has been a paucity of disciplinary measures instituted by the Columbia administration, despite their policies advocating the reverse. This not only presents a problem to local resident's and their property, more importantly to their children, who are not allowed to play either in front or in back of their homes, for concern of confrontation with older students who loiter behind the current Hydro transformer.

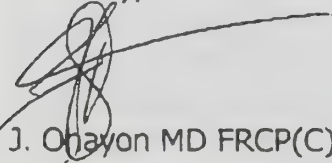
Jason A. Ohayon MD FRCP(C) FAAP
Consulting ALLergy and Immunology

4. Poor Follow-Up from Columbia: Despite repeated communications with Columbia administration, no changes have been implemented to protect local area residents and their children from potential trouble. This has frustrated all residents on Dow Ave. who initially had received assurances of change (i.e. protective fencing barrier, relocation of basketball court etc.) from Columbia's administration. Despite my requests for updates on these matter's, no formal communication has been provided to myself, as the representative, of the local residents about any anticipated changes.

In summary, the residents of Dow Ave., surrounding neighborhood and merchants have much to worry about an increase in student in local residence for the area. We have received no substantial proof that any changes would protect our area for the issues listed above. My team will look forward in presenting more facts and support at any upcoming hearing.

My thanks for offering us the opportunity to appeal,

Sincerely,



J. Ohayon MD FRCP(C) FAAP,
19 Dow Ave
577-0825
email: johayon@home.com

3.1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: December 5, 2000
(PLC-00-09)
Eleanor Neighbourhood

REPORT TO: Mayor and Members of Council

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Application to Remove Part-Lot Control - Lots 2 – 8, inclusive and Block 9, Registered Plan 62M-919, "Royalvista Court" (PDC00188)

RECOMMENDATION:

- A. That approval be given to **Part Lot Control Application 00-09, 683595 Ontario Inc. (Mario Nesci), owner**, to remove part-lot control for Lots 2 – 8, inclusive, and Block 9 located in "Royalvista Court", Registered Plan 62M-919, known municipally as 24 – 48 Royalvista Drive for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "A";
- B. That the attached by-law which has been prepared in a form satisfactory to the Corporate Counsel, marked as Appendix "B", to remove part lot control from Lots 2 – 8, inclusive, and Block 9, located in "Royalvista Court", Registered Plan 62M-919, be enacted by Council;
- C. That the exempting by-law be restricted to a 1 year effective time period to expire on December 1, 2001;
- D. That the Transition Board for the new New City of Hamilton be requested to approve the passage of a by-law in accordance with Ontario Regulation 596/00 to exempt Lots 2 – 8, inclusive and Block 9, Registered Plan 62M-919 "Royalvista Court" from part lot control in accordance with the requirements of the City of Hamilton Subdivision Agreement applicable to the subject lands and the provisions of the City of Hamilton Zoning By-law No. 6593;
- E. That following the enactment of this by-law, the Director, Land Development Department, Community Planning and Development Division (as delegate of the

Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Transition Board approval is required in accordance with the provisions of Ontario Regulation 596/00 regarding planning approvals during the transition period between the municipal election in November, 2000 and the swearing in of the new Council in January, 2001.

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purpose of creating maintenance easements for zero-lot line single family dwellings and a right-of-way within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, 683595 Ontario Inc. (Mario Nesci), owner, to remove part-lot control for Lots 2 – 8, inclusive, located in "Royalvista Court", Registered Plan 62M-919, known municipally as 24 – 48 Royalvista Drive for the purpose of establishing maintenance easements. The maintenance easements are required for the zero-lot line single family dwellings in accordance with the provisions of the "R-4" District and the City of Hamilton subdivision agreement.

In addition, the applicant is proposing to create a right-of-way in favour of Bell Canada over Lot 8 and Block 9 for a fibre-optic transmission device (shown as parts 8 and 9 on the draft reference plan (see APPENDIX "C")). This is required due to the relocation of the Bell Canada easement that previously went through the Block 9 on the registered plan of subdivision.

Location

The subject lands are located west of Upper Gage Avenue, south of Royalvista Drive, in the Eleanor Neighbourhood and are known municipally as 24 – 48 Royalvista Drive (see Appendix "A").

CIRCULATION COMMENTS:

- The Traffic Division, Transportation, Operations and Environment Division advised that they have no comment with respect to the application.

- The Development Engineering Section, Land Development Department advised of the following:

"As a condition on entering into a Subdivision Agreement with the City of Hamilton for the development of "Royalvista Court" the Owner is required to establish maintenance easements for the subject lands."

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period to expire on December 1, 2001.
2. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the Corporate Counsel. In accordance with the provision of Ontario Regulation 596/00, City Council may continue to process development applications and make other land use planning decisions during the transition period between the municipal election in November, 2000 and the swearing in of the new council in January, 2001. However, planning decisions must be approved by the Transition Board. As such, prior to approval of the by-law by the Director, Land Development Department, Community Planning and Development Division, the Transition Board must approve Council's decision on this part-lot control application.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

PLAN OF Royalvista Court

BEING A SUBDIVISION OF
BLOCK 65-EAGLEWOOD ESTATES-PHASE 1
REGISTERED PLAN 62M-556

AND
PART OF LOT 7-CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON

NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500

B. J. CLARKE O.L.S.



ELMORE
DRIVE

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ESTABLISHED BY BY-LAW 88-153, REGD AS DISTRICT 474324 CD
ROYALVISTA DRIVE

PIN 18922-0248 PART 3 PLAN 62M-9438

PIN 18922-0248
ESTABLISHED BY PLAN 62M-556
ROYALVISTA DRIVE

ROYALVISTA
DRIVE

BLOCK 10

LOT 7
BLOCK 9

BLOCK 10
(STREET FRONTAGE)

UPPER GAGE AVENUE
(FORMERLY THE KING'S HIGHWAY NO. 55)

EAGLEWOOD DRIVE

CONCESSION 8
PART 3

Geographic Township of Barton

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT

- LOTS 1 TO 8 (BOTH INCLUSIVE), BLOCK 9, STREET FRONTAGES, NAMELY BLOCKS 10 AND 11 AND RESERVE, NAMELY BLOCK 12 HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
- THE SAID BLOCK 10 IS HEREBY DEDICATED TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AS PUBLIC HIGHWAY AND SAID BLOCK 11 IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAY.

DATED THE 21st DAY OF JULY, 2000

683585 ONTARIO INC.

MARIO NESCI
I HAVE THE HONOUR TO SIGN THE COMMISSION

LEGEND

- SIGN THIS C DENOTES A SURVEY MONUMENT PLANTED
SIGN THIS B DENOTES A SURVEY MONUMENT FOUND
SIGN THIS C OR B DENOTES STANDARD IRON BAR
SIGN THIS C OR B DENOTES IRON BAR
SDB DENOTES SHORT STANDARD IRON BAR
IB DENOTES IRON BAR
CC DENOTES CUT CROSS
R DENOTES ROUND
(W1) DENOTES WITNESS
(W2) DENOTES WITNESS
(1243) DENOTES J. CLARKE O.L.S.
(1244) DENOTES CITY OF HAMILTON
(1245) DENOTES REGION OF HAMILTON-WENTWORTH
(1246) DENOTES J. T. PETERS O.L.S.
(1247) DENOTES PLAN 62M-556
(1248) DENOTES PREVIOUS SURVEY BY (1247)
(1249) DATED SEPTEMBER 8, 1988

BEARINGS ARE ASTROLOGICAL AND REFERRED TO THE
WESTERN LIMIT OF UPPER GAGE AVENUE AS SHOWN
ON PLAN 62M-556 HAVING A BEARING OF N18°22'30"E

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 21st DAY OF JULY, 2000

JULY 21, 2000

DATE

AC

A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-328-8791 FAX 905-328-2289
Internet: amcl@ajclarke.com

PLAN 62M-

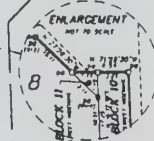
I CERTIFY THAT THIS PLAN IS REGISTERED
IN THE LAND REGISTRY OFFICE FOR THE LAND TILES
DIVISION OF HAMILTON (S2) AT O'CLOCK ON THE
DAY OF , 2000 AND ENTERED IN THE
REGISTER FOR PIN
AND REQUIRED CONSENTS ARE REGISTERED
AS PLAN DOCUMENT NO

LAND REGISTRY

APPROVED UNDER SECTION 31 OF THE PLANNING ACT BY
THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL
MUNICIPALITY OF HAMILTON-WENTWORTH
THIS DAY OF , 2000

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW NO. 893-001

THIS PLAN COMPREHENDS ALL OF PIN 18923-0175
AND ALL OF PIN 18923-



PLAN 62M-484

The Corporation of the City of Hamilton

BY-LAW No. 00 —

To Remove
Land within the "Royalvista Court" Subdivision, Plan 62M-919
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** — Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** — A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** — An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** — A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** — The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** — The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating easements and rights-of-encroachments, shall not apply to the following lands:

Lots 2 - 8, inclusive, Registered Plan Number 62M-919, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating a right-of-way in favour of Bell Canada, shall not apply to the following lands:

Lot 8 and Block 9, inclusive, Registered Plan Number 62M-919, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
3. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.

(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

(c) This By-law shall expire on December 1, 2001.

PASSED this 12th day of December

A.D. 2000.

Acting Municipal Clerk

Mayor

CITY OF HAMILTON
- RECOMMENDATION -

3.2

DATE: 2000 December 5

REPORT TO: Mayor and Members of City Council

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
498 MOUNTAIN BROW BOULEVARD - Tag Number 00 152814
(00.1.1.A) (PDC-00-187)

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 498 Mountain Brow Boulevard in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

 **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** Transition Board approval not required.

BACKGROUND:

PRESENT ZONING: B (Map E-68)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner is seeking approval for the demolition of the single family dwelling which was completed prior to Council approval and prior to the issuance of a demolition permit. The demolition was completed on November 6, 2000. As a result, an Order to Comply dated November 7, 2000 was issued by this Department. The owner is proposing to construct a new single family dwelling. This property is in the Huntington Neighbourhood and is located in Ward 6 (please see attached neighbourhood and city overview map). No LACAC interest. Lot size 30.48m x 58.67m.

The owner of the property as per the demolition permit is:

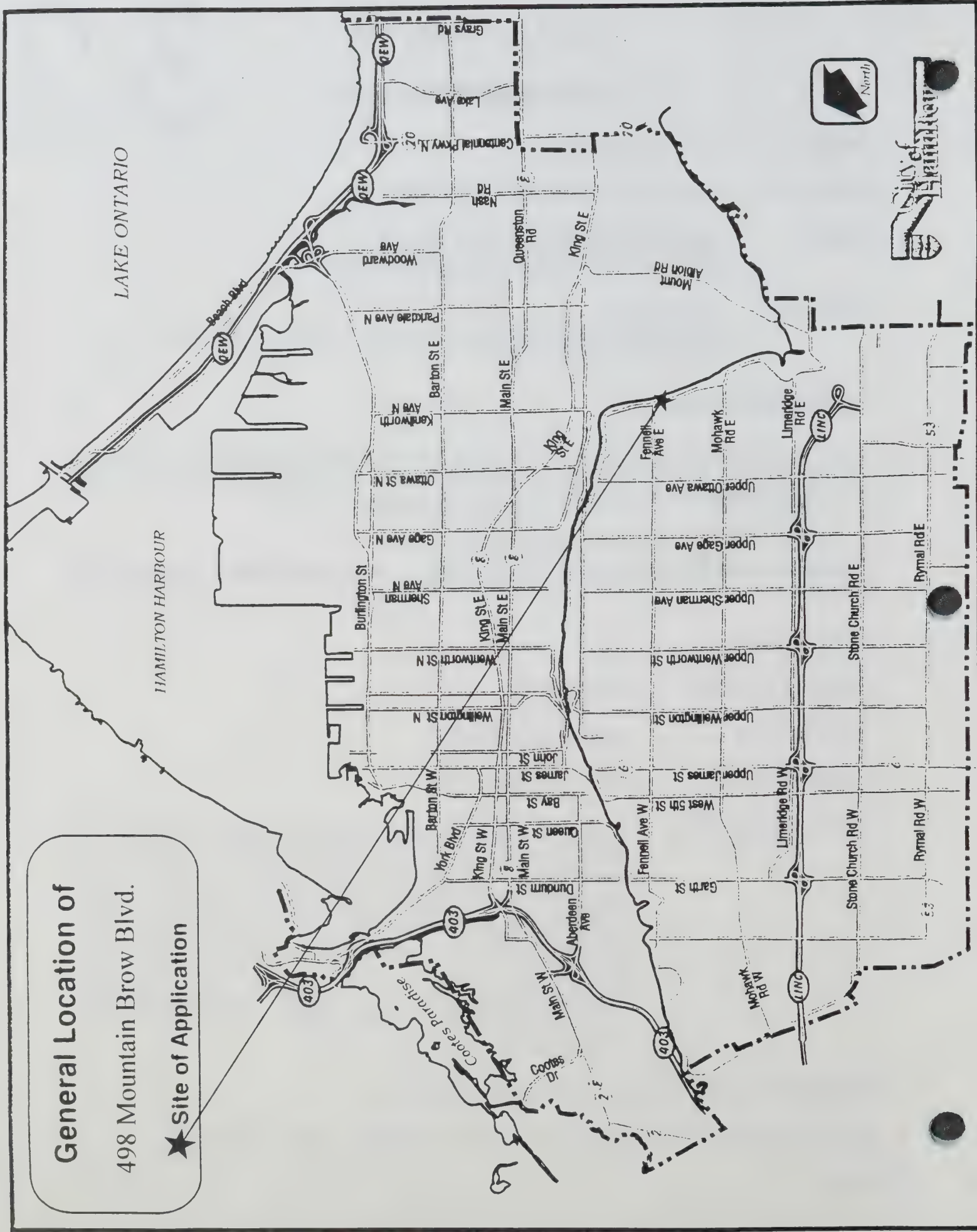
George Saturnino, 498 Mountain Brow Boulevard, Hamilton, Ontario L8T 4X5

 .FP/zr

General Location of

498 Mountain Brow Blvd.

★ Site of Application



Subject Property:
498 Mountain Brow Blvd.



The Corporation of the City of Hamilton

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 - (c) This By-law shall expire on December 1, 2001.

PASSED this 12th day of December

A.D. 2000.

Acting Municipal Clerk

Mayor

BY-LAW NO. 00 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 12TH DAY OF DECEMBER, 2000.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Acting Municipal Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 12TH day of DECEMBER A.D. 2000

ACTING MUNICIPAL CLERK

MAYOR

THE CITY OF NEW YORK

TO THE COMMISSIONERS OF THE DEPARTMENT OF THE CITY OF NEW YORK
AT ITS REGULAR MEETING HELD ON THE 10TH DAY OF DECEMBER, 1908

Resolved, That the sum of \$100,000 be and it is hereby ordered that the sum of \$100,000 be appropriated for the purpose of the purchase of the land situated in the City of New York, and that the same be paid out of the funds of the City of New York.

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